



HOUSE OF REPRESENTATIVES FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Thursday, 30 September, 2021

1. The House met at 11.57 a.m. Mr Speaker read the Prayers.
2. The House recited the National Pledge.
3. **Votes and Proceedings**
Mr Speaker announced that he had examined and approved the *Second Votes and Proceedings* of Wednesday, 29 September, 2021.

The Second Votes and Proceedings was adopted by unanimous consent.

4. **Announcement**
Bereavement:
Mr Speaker read a communication from Hon. Ndudi Godwin Elumelu (*Aniocha/Oshimili Federal Constituency*), announcing the demise of Justice Chukwudumebi Oseji of the Supreme Court on Monday, 21 September, 2021.

A minute silence was observed in honour of the deceased.

5. **Petition**
A petition from Mentor Chambers (Notary Public), on behalf of Danjuma Domman, on the alleged refusal of the Inspector-General of Police to investigate the disappearance of his brother, Inspector Ponzip Danjuma, was presented and laid by Hon. Beni Lar (*Langtang North/Langtang South Federal Constituency*).

Petition referred to the Committee on Public Petitions.

6. **Matters of Urgent Public Importance (Standing Order Eight, Rule 4)**
 - (i) **Incessant Abuse and Disregard of the Appropriation Act, 2021 by Ministries, Departments and Agencies (MDAs) of Government:**
Hon. Elumelu Ndudi Godwin (*Aniocha/Oshimili Federal Constituency*) introduced the matter and prayed the House to:

(a) consider and approve the matter as one of urgent public importance; and

- (b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Incessant Abuse and Disregard of the Appropriation Act, 2021 by Ministries, Departments and Agencies (MDAs) of Government:

The House:

Notes that the Ministries, Departments and Agencies are the channels responsible for the delivery of government policies;

Also notes that sections 80-84 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) confers powers of appropriation on Parliament as well as its oversight responsibilities over the national purse;

Aware that section 80 (4) of the Constitution specifically states that no money shall be withdrawn from the Consolidation Revenue Fund or any other public fund of the Federation except in the manner prescribed by the National Assembly;

Also aware that in complying with the Constitutional requirements on the spending of public funds, it is imperative to ensure effective and efficient management of public resources to put the country's wealth and resources to work for the common good of all Nigerians;

Concerned that although, about 40-60 percent of the appropriated fund has been released for purposes of implementing the Appropriation Act, 2021 yet most of the MDAs are yet to dispense these funds for the purposes meant for;

Also concerned that some of the MDAs are allegedly engaged in financial misappropriation by diverting the released funds for other purposes, thereby distorting the macro-economic framework, while others outrightly denied receiving such fund;

Worried that these alleged practices outrightly violates the letters and dictates of sections 80-84 of the 1999 constitution as amended and frustrates the implementation of government policies;

Also worried that if these alleged practices are not put to check, the perceived fight against corruption by Mr President would be discredited in the eyes of Nigerians and that of the international community;

Resolves to:

- (i) mandate the Standing Committees to investigate agencies under their jurisdiction and identify such infractions;
- (ii) also mandate the Committees on Finance, and Appropriations to liaise with the Ministry of Finance for the purposes of ascertaining releases made to Ministries, Departments and Agencies in compliance with the Appropriation Act, 2021; and
- (iii) further mandate the Standing Committees to report within two weeks before the presentation of 2022 budget estimates (*Hon. Ndudi Godwin Elumelu — Aniocha North/South/Oshimili North/South Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that the Ministries, Departments and Agencies are the channels responsible for the delivery of government policies;

Also noted that sections 80-84 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) confers powers of appropriation on Parliament as well as its oversight responsibilities over the national purse;

Aware that section 80 (4) of the Constitution specifically states that no money shall be withdrawn from the Consolidation Revenue Fund or any other public fund of the Federation except in the manner prescribed by the National Assembly;

Also aware that in complying with the Constitutional requirements on the spending of public funds, it is imperative to ensure effective and efficient management of public resources to put the country's wealth and resources to work for the common good of all Nigerians;

Concerned that although, about 40-60 percent of the appropriated fund has been released for purposes of implementing the Appropriation Act, 2021 yet most of the MDAs are yet to dispense these funds for the purposes meant for;

Also concerned that some of the MDAs are allegedly engaged in financial misappropriation by diverting the released funds for other purposes, thereby distorting the macro-economic framework, while others outrightly denied receiving such fund;

Worried that these alleged practices outrightly violates the letters and dictates of sections 80-84 of the 1999 constitution as amended and frustrates the implementation of government policies;

Also worried that if these alleged practices are not put to check, the perceived fight against corruption by Mr President would be discredited in the eyes of Nigerians and that of the international community;

Resolved to:

- (i) mandate the Standing Committees to investigate agencies under their jurisdiction and identify such infractions;
- (ii) also mandate the Committees on Finance, and Appropriations to liaise with the Ministry of Finance for the purposes of ascertaining releases made to Ministries, Departments and Agencies in compliance with the Appropriation Act, 2021; and
- (iii) further mandate the Standing Committees to report within two weeks before the presentation of 2022 budget estimates (HR. 90/09/2021).

(ii) **Declaring Bandits and their Sponsors as Terrorists:**
Hon. Babajimi Benson (*Ikorodu Federal Constituency*) introduced the matter and prayed the House to:

- (a) consider and approve the matter as one of urgent public importance; and
- (b) suspend Order Eight, Rule 4 (3) to allow debate on the matter forthwith.

Question that the matter be considered as one of urgent public importance — Agreed to.

Question that the House do suspend Order Eight, Rule 4 (3) to enable it debate the matter forthwith — Agreed to.

Declaring Bandits and their Sponsors as Terrorists:

The House:

Notes that on Wednesday, 29 September, 2021, the Senate in a motion urged President Muhammadu Buhari to declare bandits ravaging the northern part of the country together with their supporters as terrorists and wage a total war on them;

Also notes the Senate further urged Mr President to declare war against such groups of bandits by arresting them wherever they were found for prosecution;

Aware that section 2 of the Terrorism Prevention Act, 2011 (as amended), prohibits the actions of such bandits;

Resolves to:

- (i) concur with the Senate on the Motion to declare the bandits and sponsors as terrorists; and
- (ii) urge the President of the Federal Republic of Nigeria to implement the concurrent resolution of the National Assembly (the Senate and the House of Representatives) on the matter (*Hon. Babajimi Benson Adegoke — Ikorodu Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that on Wednesday, 29 September, 2021, the Senate in a motion urged President Muhammadu Buhari to declare bandits ravaging the northern part of the country together with their supporters as terrorists and wage a total war on them;

Also noted the Senate further urged Mr President to declare war against such groups of bandits by arresting them wherever they were found for prosecution;

Aware that section 2 of the Terrorism Prevention Act, 2011 (as amended), prohibits the actions of such bandits;

Resolved to:

- (i) concur with the Senate on the Motion to declare the bandits and sponsors as terrorists; and
- (ii) urge the President of the Federal Republic of Nigeria to implement the concurrent resolution of the National Assembly (the Senate and the House of Representatives) on the matter (**HR. 91/09/2021**).

7. **A Bill for an Act to Amend the Federal Polytechnics Act, Cap. F17, Laws of the Federation of Nigeria, 2004 to Establish Federal Polytechnic, Fagge Kano State to provide Opportunities for Technical Education in Furtherance of Government Economic Objective of Ensuring Efficient, Dynamic and Self-Reliant Economy; and for Related Matters (HB.711) — Third Reading Motion made and Question proposed, "That a Bill for an Act to Amend the Federal Polytechnics Act,**

Cap. F17, Laws of the Federation of Nigeria, 2004 to Establish Federal Polytechnic, Fagge Kano State to provide Opportunities for Technical Education in Furtherance of Government Economic Objective of Ensuring Efficient, Dynamic and Self-Reliant Economy; and for Related Matters (HB.711) be now read the Third Time" (*Hon. Peter Akpatason — Deputy House Leader*).

Agreed to.

Bill read the Third Time and passed.

8. **A Bill for an Act to Establish National Hydrographic Agency to Carry out Hydrographic and Oceanographic Surveys, including Ocean Meteorology for National Defence; and for Related Matters (HB. 1021) — Third Reading**

Motion made and Question proposed, "That a Bill for an Act to Establish National Hydrographic Agency to Carry out Hydrographic and Oceanographic Surveys, including Ocean Meteorology for National Defence; and for Related Matters (HB. 1021) be now read the Third Time" (Hon. Peter Akpatason — Deputy House Leader).

Agreed to.

Bill read the Third Time and passed.

9. **A Bill for an Act to Establish Federal University of Agriculture and Entrepreneurship, Saki, Oyo State; and for Related Matters (HB. 548) — Third Reading**

Motion made and Question proposed, "That a Bill for an Act to Establish Federal University of Agriculture and Entrepreneurship, Saki, Oyo State; and for Related Matters (HB. 548) be now read the Third Time" (Hon. Peter Akpatason — Deputy House Leader).

Agreed to.

Bill read the Third Time and passed.

10. **A Bill for an Act to Provide for Establishment of Federal College of Education (Technical), Yauri, Kebbi State to Provide Full-Time Courses, Teaching, Instructions and Training in Technology, Applied Science, Arts, Social Sciences, Humanities and Management to Carry out Research in the Development and Adaptation of Technologies; and for Related Matters (HB.629) — Third Reading**

Motion made and Question proposed, "That a Bill for an Act to Provide for Establishment of Federal College of Education (Technical), Yauri, Kebbi State to Provide Full-Time Courses, Teaching, Instructions and Training in Technology, Applied Science, Arts, Social Sciences, Humanities and Management to Carry out Research in the Development and Adaptation of Technologies; and for Related Matters (HB.629) be now read the Third Time" (Hon. Peter Akpatason — Deputy House Leader).

Agreed to.

Bill read the Third Time and passed.

11. **A Bill for an Act to Provide the Legal Framework to Establish Federal Medical Centre, Akpugo, Nkanu West, Enugu State; and for Related Matters. (HB.1098) — Second Reading**

Order deferred by leave of the House.

12. **A Bill for an Act to Establish Federal Medical Centre, Zuru; and for Related Matters (HB. 1443) — Second Reading**

Order deferred by leave of the House.

13. **A Bill for an Act to Amend the Teachers Registration Council of Nigeria Act, Cap. T3, Laws of the Federation of Nigeria, 2004 to Ensure that only Licensed or Registered and Qualified Persons who Exhibit thorough Professional Conduct Teach in Schools; and for Related Matters (HB. 308) — Second Reading**

Motion made and Question proposed, "That a Bill for an Act to Amend the Teachers Registration Council of Nigeria Act, Cap. T3, Laws of the Federation of Nigeria, 2004 to Ensure that only Licensed or Registered and Qualified Persons who Exhibit thorough Professional Conduct Teach in Schools; and for Related Matters (HB. 308) be read a Second Time" (*Hon. Sulaiman Abubakar Gumi — Gummi/Bukkuyum Federal Constituency*).

Debate.

Question that the Bill be now read a Second Time — Agreed to.

Bill read the Second Time.

Bill referred to the Committee on Basic Education and Services.

14. **Need to Rehabilitate Avu-Etekwuru Road and Complete the Abandoned Oguta/Nnebukwu Bridge in Imo State**

Motion made and Question proposed:

The House:

Notes that Avu-Etekwuru road is a major road linking Ohaji/Egbema and Owerri-West Local Government Areas of Imo State and is also an access road for Multinational Oil Companies and over thirty (30) Communities in the two Local Government Areas;

Also notes that the Niger Delta Development Commission (NDDC) awarded contracts for the rehabilitation of Avu-Etekwuru Road and construction of a bridge across Oguta lake to link Nnebukwu Community and Egwe/Oguta Communities;

Further notes that legislative oversight have been carried out at the contract sites in the presence of the Acting Managing Director of the Niger-Delta Development Commission (NDDC) and the contractors to ascertain the level of work done and the reasons for the undue delay in completing the projects;

Aware that the contracts were awarded over 15 years ago and the contractors were mobilized but no significant progress has been made at the sites as the contractors are demanding for an upward review of the contracts due to high cost of materials;

Worried that the Road has become impassable as it has deteriorated and in the process, cutting off the three neighbouring Local Government Areas of Ohaji/Egbema, Oguta and Owerri-West from other parts of Imo State;

Cognizant that if the road is not given the urgent attention it deserves, more lives and properties will be lost to, flooding in Avu and Etekwuru and other Communities where the construction of the bridge was abandoned in Oguta;

Resolves to:

- (i) urge the Federal Roads Maintenance Agency (FERMA) to urgently rehabilitate the Avu-Etekwuru Road to ease free flow of traffic on the Road;

- (ii) also urge the Niger Delta Development Commission (NDDC) to urgently review and redesign the projects to conform with modern engineering designs and costs so that the jobs can resume in earnest;
- (iii) mandate the Committees on Niger Delta Development Commission (NDDC), and Federal Roads Maintenance Agency (FERMA) to liaise with the relevant agencies to ensure compliance (*Hon. Uju Kingsley Chima — Ohaji/Egbema/Oguta/Oru West Federal Constituency*).

Agreed to.

(HR. 92/09/2021).

Motion referred to the Committees on Niger Delta Development Commission (NDDC), and Federal Roads Maintenance Agency (FERMA), pursuant to Order Eight, Rule 9 (5).

15. Alleged Police Brutality in Obinomba Community of Delta State

Motion made and Question proposed:

The House:

Notes that on October 4, 2020, a video went viral showing officers of the disbanded Police Special Anti-Robbery Squad (SARS) dragging two men from a hotel and then shot one of them outside, which triggered a nation-wide #EndSARS protest that lasted for many weeks;

Also notes that following the End SARS protest, the United Nations (UN) and the European Union (EU) called for an end to police brutality in Nigeria;

Worried that at about 8.30 p.m., on Friday, 24 September, 2021, men of the Nigeria Police Force, without reason, allegedly shot sporadically into the air in Obinomba Community of Delta State before storming into a nearby hotel and murdered one Ojarikre Gift who was celebrating his birthday in the hotel;

Aware that the alleged killing led to massive protests by women and youths of the Community who erected barricades at several spots on the ever-busy Sapele-Agbor Expressway;

Disturbed that the reported murder is one out of many cases of extrajudicial killings in the country and violates the operational ethos of a modern Police Force;

Resolves to:

Mandate the Committee on Police Affairs to visit the bereaved family and investigate the circumstances surrounding the alleged killing in Obinomba Community of Delta State with a view to bringing the culprits to book and report within three (3) weeks (*Hon. Ossai Nicholas Ossai — Ndokwa East/Ndokwa West/Ukwuani Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that on October 4, 2020, a video went viral showing officers of the disbanded Police Special Anti-Robbery Squad (SARS) dragging two men from a hotel and then shot one of them outside, which triggered a nation-wide #EndSARS protest that lasted for many weeks;

Also noted that following the End SARS protest, the United Nations (UN) and the European Union (EU) called for an end to police brutality in Nigeria;

Worried that at about 8.30 p.m., on Friday, 24 September, 2021, men of the Nigeria Police Force, without reason, allegedly shot sporadically into the air in Obinomba Community of Delta State before storming into a nearby hotel and murdered one Ojarikre Gift who was celebrating his birthday in the hotel;

Aware that the alleged killing led to massive protests by women and youths of the Community who erected barricades at several spots on the ever-busy Sapele-Agbor Expressway;

Disturbed that the reported murder is one out of many cases of extrajudicial killings in the country and violates the operational ethos of a modern Police Force;

Resolved to:

Mandate the Committee on Police Affairs to visit the bereaved family and investigate the circumstances surrounding the **alleged** killing in Obinomba Community of Delta State with a view to bringing the culprits to book and report within three (3) weeks (**HR. 93/09/2021**).

16. Need to Investigate the Operational Activities of Public Health Institutions in the Federal Capital Territory (FCT), Abuja

Motion made and Question proposed:

The House:

Notes that Public Health Institutions were established to control, manage and remedy healthcare challenges of Nigerians who have one form of sickness or the other;

Concerned that the Management of Public Health Institutions in the Federal Capital Territory rather than strengthening the Institutions for sustainability, engages in sharp practices where supplied drugs and medical facilities are misused or converted to personal use, thereby letting patients bear the brunt;

Also concerned that patients in Public Health Institutions in the Federal Capital Territory are compelled to donate blood for transfusion and pay heavily for laboratory tests, regardless of whether the blood is utilized or not for the purpose;

Worried that most of the drugs purchased by patients within the hospitals were attested to be sub-standard and expensive as the pharmacists, in collaboration with the Public Healthcare Institutions, diverted the standard drugs, hospital facilities and modern equipment to private clinics, while the hospitals remained neglected without government intervention;

Disturbed by the irregularities perpetuated in the Federal Capital Territory Health Institutions where delivery kits are sold to pregnant women at the cost of six thousand naira and a bed space goes for between two to five thousand naira, depending on the location, which could be cheaper in private hospital;

Cognizant of the need to take necessary measures to address the irregularities ravaging the Public Healthcare Institutions in the Federal Capital Territory so as to restore public confidence in the Government;

Resolves to:

Mandate the Committee on Federal Capital Territory to investigate the irregularities in the operational activities of Public Health Institutions in the Federal Capital Territory and report within two (2) weeks (*Hon. Mohammed Auwal Jatau — Zaki Federal Constituency*).

Debate.

Agreed to.

The House:

Noted that Public Health Institutions were established to control, manage and remedy healthcare challenges of Nigerians who have one form of sickness or the other;

Concerned that the Management of Public Health Institutions in the Federal Capital Territory rather than strengthening the Institutions for sustainability, engages in sharp practices where supplied drugs and medical facilities are misused or converted to personal use, thereby letting patients bear the brunt;

Also concerned that patients in Public Health Institutions in the Federal Capital Territory are compelled to donate blood for transfusion and pay heavily for laboratory tests, regardless of whether the blood is utilized or not for the purpose;

Worried that most of the drugs purchased by patients within the hospitals were attested to be sub-standard and expensive as the pharmacists, in collaboration with the Public Healthcare Institutions, diverted the standard drugs, hospital facilities and modern equipment to private clinics, while the hospitals remained neglected without government intervention;

Disturbed by the irregularities perpetuated in the Federal Capital Territory Health Institutions where delivery kits are sold to pregnant women at the cost of six thousand naira and a bed space goes for between two to five thousand naira, depending on the location, which could be cheaper in private hospital;

Cognizant of the need to take necessary measures to address the irregularities ravaging the Public Healthcare Institutions in the Federal Capital Territory so as to restore public confidence in the Government;

Resolved to:

Mandate the Committee on Federal Capital Territory to investigate the irregularities in the operational activities of Public Health Institutions in the Federal Capital Territory and report within two (2) weeks (HR. 94/09/2021).

Motion made and Question proposed, "That the House do suspend Order Seven, Rule 2 (2) to enable the Speaker preside in the Committee of the Whole" — *Agreed to.*

17. **Consideration of Reports**

(i) *Committee on Tertiary Education and Services:*

Motion made and Question proposed, "That the House do consider the Report of the Committee on Tertiary Education and Services on a Bill for an Act to Provide for Establishment of Federal College of Education (Technical), Ako, Ago-Iwoye, Ogun State; and for Related Matters (HB 430)" (Hon. Aminu Suleiman — Fagge Federal Constituency)

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — *Agreed to.*

(HOUSE IN COMMITTEE)

(Mr Speaker in the Chair)

A BILL FOR AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE
FEDERAL COLLEGE OF EDUCATION (TECHNICAL). AKO, AGO-IWOYE,
OGUN STATE: AND FOR OTHER RELATED MATTERS (HB. 430)

PART I — ESTABLISHMENT, CONSTITUTION AND FUNCTIONS OF
THE FEDERAL COLLEGE OF EDUCATION (TECHNICAL). AKO,
AGO-IWOYE, OGUN STATE

Committee's Recommendation:

**Clause 1: Establishment and Objectives of the Federal College of Education (Technical),
Ako, Ago- Iwoye, Ogun State.**

- (1) There is hereby established the Federal College of Education (Technical),
Ako, Ago- Iwoye, Ogun State.
- (2) The College shall be a body corporate with perpetual succession and a
common seal and may sue or be sued in its corporate name.
- (3) The College shall be a training institution for the development of teacher
Education in the country.
- (4) The College shall be supervised by the Federal Ministry of Education
through the National Universities Commission (NUC) who shall be
responsible for approving and regulating all academic programmes run in the
College, to ensure quality compliance and provide funds for academic and
research programmes, infrastructures and remunerations of employees.
- (5) The objects of the College shall be:
 - (a) to encourage the advancement of learning and to hold out to all
persons without distinction of race, creed, sex or political
conviction;
 - (b) to develop and offer academic and professional programmes leading
to the award of certificates, first degrees, post-graduate research,
diploma and higher degrees with emphasis on planning,
developmental and adaptive skills in Education, technology, applied
science, agriculture, commerce, arts, social science, humanities,
management and allied professional disciplines;
 - (c) to produce socially mature Educational men and women with
capabilities not to only understand Educational need of Nigeria as a
nation, but also to exploit existing Educational infrastructure and
improve on it to develop new ones;
 - (d) to act as agents and catalysts for effective Educational system,
through post graduate training , research and innovation, for
effective economic utilization and conservation of the country's
human resources;
 - (e) to bring quality change in Education by focusing on teacher
Education through teaching and learning innovations;
 - (f) to collaborate with other national and international institutions
involved in training, research and development of Education with a
view to promoting governance, leadership and management skills
among Educational managers;

- (g) to identify Educational needs of the society with a view to finding solutions to them within the context of overall national development;
- (h) to provide and promote sound basic Education training as a foundation for the development of Nigeria, taking into account indigenous culture and the need to enhance national unity;
- (i) to provide higher Education and foster a systematic advancement of the science and art of teacher Education;
- (j) to provide for instruction in such branches of teacher Education as it may deem necessary to make provision for research advancement and dissemination of knowledge in such manner as it may determine;
- (k) to provide teachers with operational competence for teaching in pre-tertiary institutions, basic, senior secondary schools and non-formal Education institutions.
- (m) to undertake any other activities that is appropriate for a College of Education of the highest standard (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 1 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 2: Constitution and Principal Officers of the College.

- (1) The College shall consist of:
 - (a) a Chancellor;
 - (b) a Pro-Chancellor and a Council;
 - (c) a Provost and a Senate;
 - (d) a body to be called Congregation;
 - (e) a body to be called Convocation;
 - (f) the campuses and colleges of the College;
 - (g) the colleges, institutes and other teaching and research units of the College;
 - (h) the persons holding the offices constituted by the First Schedule to this Bill other than those mentioned in paragraphs (a) to (c) of this subsection;
 - (i) all graduates and undergraduates of the College; and
 - (j) all other persons who are members of the College in accordance with provisions made by statute in that behalf.
- (2) The First Schedule to this Bill shall have effect with respect to the principal officers of the College.

- (3) Subject to section 5 of this Bill provision shall be made by statute with respect to the constitution of the Council, the Senate, Congregation and Convocation (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 2 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 3 Powers of the College and their exercise.

- (1) For the carrying out of its objects as specified in section 1 of this Bill, Federal College of Education (Technical) Ako, Ago-Iwoye, Ogun State shall have power:
- (a) to offer courses of instruction, training and research in Education and allied areas for the production of quality and skilled teachers required to teach at lower, middle and higher levels of Education in Nigeria in particular and the world at large.
 - (b) to establish such colleges, campuses, institutes, schools, departments and other teaching and research units within the College as may from time to time be deemed necessary or desirable subject to the approval of National Universities Commission;
 - (c) to institute professorships, readerships or associate professorships, lectureships, and other posts and offices and to make appointments thereto;
 - (d) to institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and forms of assistance;
 - (e) to provide for the discipline and welfare of members of the College;
 - (f) to hold examinations and grant degrees, diplomas, certificates and other distinctions to persons who have pursued a course of study approved by the College and have satisfied such other requirements as the College may lay down;
 - (g) to grant honorary degrees, fellowships or academic titles;
 - (h) to demand and receive from any student or any other person attending the College for the purposes of instruction, such fees as the College may from time to time determine subject to the overall directives of the Minister;
 - (i) subject to section 20 of this Bill, to acquire, hold, grant, Charge or otherwise deal with or dispose of movable and immovable property wherever it is situate;
 - (j) to accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attached thereto;
 - (k) to enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents;

- (l) to erect, provide, equip and maintain libraries, laboratories, workshops, lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary, suitable or convenient for any of the objects of the College;
 - (m) to hold public lectures and to undertake printing, publishing and book selling;
 - (n) subject to any limitations or conditions imposed by statute, to invest any moneys appertaining to the College by way of endowment it, not being immediately required for current expenditure in any investments or securities or in the purchase or improvement of and, with power from time to time, to vary any such investments to deposit any moneys for the time being not invested with any bank on deposit or current account;
 - (o) to borrow, whether on interest or not and if need be upon the security of any or all of the property, movable or immovable, of the College, such moneys as the Council may from time to time in its discretion find it necessary or expedient to borrow of to guarantee any loan, advances or credit facilities;
 - (p) to make gifts for any charitable purpose;
 - (q) to do anything which it is authorized or required by this Bill or by statute to do; and
 - (r) to do all such acts or things, whether or not incidental to the foregoing powers, as may advance the Objects of the College.
- (2) Subject to the provisions of this Bill and of the statutes and without prejudice to section 7 2) of this Bill, the powers conferred on the College by subsection (1) of this section shall be exercisable on behalf of the College by the Council or by the Senate or in many other manner which may be authorized by the statute.
- (3) The power of the College to establish further campuses and colleges within the College shall be exercisable by statute and not otherwise (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 3 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 4: Functions of the Chancellor and Pro-Chancellor.

- (1) The Chancellor shall, in relation to the College, take precedence before all other members of the College, and when he is present, shall preside at all meetings of Convocation held for conferring degrees.
- (2) The Pro-Chancellor shall, in relation to the College, take precedence before all other members of the College, except the Chancellor and except the Provost when acting as chairman of Congregation or Convocation and the Pro-Chancellor shall, when he is present, be the chairman at all meetings of the Council (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 4 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 5: Composition, Tenure and Powers of the Council of the College.**

- (1) The Council of the College shall consist of:
 - (a) the Pro-Chancellor who shall be appointed by the President on the recommendation of the Honourable Minister of Education;
 - (b) the Provost;
 - (c) the Deputy Provost(s);
 - (d) one person from the Ministry responsible for Education;
 - (e) four persons representing a variety of interests and broadly representative of the whole Federation to be appointed from:
 - (i) the Teacher's Registration Council,
 - (ii) Tertiary Education Trust Fund, and
 - (iii) two other persons, one of whom shall be a representative of the College host community;
 - (f) four persons appointed by the Senate from among its members;
 - (g) two persons appointed by Congregation from among its members;
 - (h) one person appointed by Convocation from among its members;
 - (i) two persons representing the community appointed by the President.
- (2) Persons to be appointed to the Council shall be of proven integrity, knowledgeable and familiar with the affairs and tradition of the College.
- (3) The Council so constituted shall have a tenure of four years from the date of its inauguration provided that where a Council is found to be incompetent and corrupt, it shall be dissolved by the Visitor and a new Council shall be immediately constituted for the effective functioning of the College.
- (4) The powers of the Council shall be exercised, as in this Bill and to that extent establishment circulars that are inconsistent with this Bill shall not apply to the College.
- (5) The Council shall be free in the discharge of its functions and exercise of its responsibilities for the good management, growth and development of the College.
- (6) The Council in the discharge of its functions shall ensure that disbursement of funds of the College complies with the approved budgetary ratio for:
 - (a) personnel cost;
 - (b) overhead cost;
 - (c) research and development;

- (d) library developments; and
- (e) the balance in expenditure between academic vis-a-vis non-academic activities (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 5 stands part of the Bill — Agreed to.

Committee's Recommendation:

- Clause 6: Functions of the Council and its Finance and General Purposes Committee.**
- (1) Subject to the provisions of this Bill relating to the Visitor, the Council shall be the governing body of the College and shall be charged with the general control and superintendence of the policy, finances and property of the College.
 - (2) There shall be a committee of the Council, to be known as the Finance, and General Purposes Committee, which shall, subject to the directions of the Council, exercise control over the property and expenditure of the College and perform such other functions of the Council as the Council may from time to time delegate to it.
 - (3) Provision shall be made by statute with respect to the constitution of the Finance and General Purposes Committee.
 - (4) The Council shall ensure that proper accounts of the College are kept and that the accounts of the College are audited annually by an independent firm of auditors approved by the Council and that an annual report is published by the College together with certified copies of the said accounts as audited.
 - (5) Subject to this Bill and the statutes, the Council and the Finance and General Purposes Committee may each make rules for the purpose of exercising any of their respective functions or of regulating their own procedure.
 - (6) Rules made under sub-section (5) of this section by the Finance and General Purposes Committee shall not come into force unless approved by the Council; and in so far and to the extent that any rules so made by that Committee conflict with any direction given by the Council, whether before or after the coming into force of the rules in question, the directions of the Council shall prevail.
 - (7) There shall be paid to the members respectively of the Council, the Finance and General Purposes Committee and of any other committee set up by the Council, allowances in respect of travelling and other reasonable expenses, at such rates as may from time to time be fixed by the Minister.
 - (8) The Council shall meet as and when necessary for the performance of its functions under this Bill and shall meet at least three times in every year.
 - (9) If requested in writing by any five members of the Council, the chairman shall within 28 days after the receipt of such request call a meeting of the Council.
 - (10) Any request made under sub-section (9) of this section shall specify the business to be considered at the meeting and no business not so specified shall be transacted at that meeting (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 6 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 7: Functions of the Senate of the College.

- (1) Subject to section 6 of this Bill and subsections (3) and (4) of this section and the provisions of this Bill relating to the Visitor, it shall be the general function of the Senate to organize and control the teaching by the College, the admission of student where no other enactment provides to the contrary and the discipline of students; and to promote, research at the College.
- (2) Without prejudice to the generality of subsection (1) of this section and subject as therein mentioned, it shall in particular be the function of the Senate to make provision for:
 - (a) the establishment, organization and control of campuses, colleges, schools, institutes and other teaching and research units of the College and the allocation of responsibility for different branches of learning;
 - (b) the organization and control of courses of study at the College and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external;
 - (c) the award of degrees, and such other qualifications as may be prescribed in connection with examinations held as aforesaid;
 - (d) the making of recommendations to the Council with respect to the award to any person of an honorary fellowship or honorary degree or the title of professor emeritus;
 - (e) the establishment, organization and control of halls of residence and similar institutions at the College;
 - (f) the supervision of the welfare of students at the College and the regulation of their conduct;
 - (g) the granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the control of the College; and
 - (h) determining what descriptions of dress shall be academic dress for the purposes of the College, and regulating the use of academic dress.
- (3) The Senate shall not establish any new campus, college, school, department, institute or other teaching and research units of the College, or any hall of residence or similar institution at the College without the approval of the Council.
- (4) Subject to this Bill and the statutes, the Senate may make regulations for the purpose of exercising any function conferred on it either by the foregoing provisions of this section or otherwise or for the purpose of making provision for any matter for which provision by regulations is authorized or required by this Bill or by statute.

- (5) Regulations shall provide that at least one of the persons appointed as the examiners at each final or professional examination held in conjunction with any course of study at the College is not a teacher at the College but is a teacher of the branch of learning to which the course relates at some other College of high repute or a person engaged in practicing the profession in a reputable organization or institution.
- (6) Subject to right of appeal to the Council from a decision of the Senate under this sub-section, the Senate may deprive any person of any degree, diploma or other award of the College which has been conferred upon him if after due enquiry he is found to have been guilty of dishonourable or scandalous conduct in gaining admission into the College or obtaining that award (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 7 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 8: Functions of the Provost.

- (1) The Provost shall, in relation to the College, take precedence before all other members of the College except the Chancellor and subject to section 4 of this Bill except the Pro-Chancellor and any other person for the time being acting as Chairman of the Council.
- (2) Subject to sections 6, 7 and 14 of this Bill, the Provost shall have the general function, in addition to any other functions conferred on him by this Bill or otherwise of directing the activities of the College and shall be the Chief Executive and Accounting Officer of the College and *ex-officio* Chairman of the Senate.
- (3) The Provost shall be the Chairman of the College Tenders' Board, which is saddled with the responsibility of approving the conduct of public procurement of goods, works and services within the approved threshold from time to time.
- (4) It shall be the responsibility of the Provost to establish and appoint members of the Tenders' Board in line with the extant Public Procurement Rules and Regulations (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 8 stands part of the Bill — Agreed to.

**PART II — GENERAL FUND, TRANSFER OF PROPERTY, ETC.
TO THE COLLEGE AND CONDITION OF SERVICE OF EMPLOYEES**

Committee's Recommendation:

Clause 9: General Fund of the College.

- (1) There shall be a general fund of the College which shall consist of the following:
- (a) grants-in-aid;
 - (b) fees;
 - (c) income derived from investments;
 - (d) gifts, legacies, endowments and donations not accepted for a particular purpose;

- (e) income derived from the exercise of any functions conferred or imposed on the College by this Bill;
 - (f) any other amounts, charges or dues recoverable by the College;
 - (g) revenue, from time to time, accruing to the College by way of subvention;
 - (h) interests on investments;
 - (i) donations and legacies accruing to the College from any source for the general or special purposes of the College; and
 - (j) regular TETFUND interventions;
- (2) The general fund shall be applied for the purposes of the College (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 9 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 10: Transfer of Property, etc.

- (1) All property held by or on behalf of the Provisional Council of the College shall, by virtue of this sub-section and without further assurance, vest in the College and be held by it for the purpose of the College.
- (2) The provisions of the Second Schedule to this Bill shall have effect with respect to, and to matters arising from, the transfer of property by this section and with respect to the other matters mentioned in that Schedule (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 10 stands part of the Bill — Agreed to.

PART III — STATUTES OF THE COLLEGE

Committee's Recommendation:

Clause 11: Power of the College to make Statutes.

- (1) Subject to this Bill, the College may make statutes for any of the following purposes, that is to say:
 - (a) making provision with respect to the composition and constitution of any authority of the College;
 - (b) specifying and regulating the powers and duties of any authority of the College, and regulating any other matter connected with the College or any of its authorities;
 - (c) regulating the admission of students (where no other enactment provides to the contrary), and their discipline and welfare;
 - (d) determining whether any particular matter is to be treated as an academic or non-academic matter for the purposes of this Bill and of any statute, regulation or other instrument made thereunder; or
 - (e) making provision for any other matter for which provision by statute is authorized or required by this Bill.

- (2) Subject to section 25 (6) of this Bill, the Interpretation Act shall apply in relation to any statute made under this section as it applies to a subsidiary instrument within the meaning of section 28 (1) of that Act.
- (3) The statute contained in the Third Schedule to this Bill shall be deemed to have come into force on the commencement of this Bill and shall be deemed to have been made under this section by the College.
- (4) The power to make statutes conferred by this section shall not be prejudiced or limited in any way by reason of the inclusion or omission of any matter in or from the statute contained in the Third Schedule to this Bill or any subsequent statute (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 11 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 12: Mode of exercising power to make Statutes.

- (1) The power of the College to make statutes shall be exercised in accordance with the provisions of this section and not otherwise.
- (2) A proposed statute shall not become law unless it has been approved:
 - (a) at a meeting of the Senate, by the votes of not less than two thirds of the members present and voting; and
 - (b) at a meeting of the Council, by the votes of not less than two thirds of the members present and voting.
- (3) A proposed statute may originate either in the Senate or in the Council, and may be approved as required by subsection (2) of this section by either one of those bodies or the other.
- (4) A statute which:
 - (a) makes provision for or alters the composition or constitution of the Council, the Senate or any other authority of the College; or
 - (b) provides for the establishment of a new campus or college or for the amendment or revocation of any statute.
- (5) For the purpose of section 2 (2) of the Interpretation Act, a statute shall be treated as being made on the date on which it is duly approved by the Council after having been duly approved by the Senate, or on the date on which it is duly approved by the Senate after having been duly approved by the Council, as the case may be or, in the case of a statute falling within subsection (4) of this section, on the date on which it is approved by the President.
- (6) In the event of any doubt or dispute arising at any time:
 - (a) as to the meaning of any provision of a statute; or
 - (b) as to whether any matter is for the purposes of this Bill an academic or non-academic matter as they relate to such doubt or dispute; the matter may be referred to the Visitor, who shall take such advice and make such decision thereon as he shall think fit.

- (7) The decision of the Visitor on any matter referred to him under sub-section (6) of this section shall be binding upon the authorities, staff and students of the College and where any question as to the meaning of any provision of a statute has been decided by the Visitor under that sub-section, no question as to the meaning of that provision shall be entertained by any court of law in Nigeria.
- (8) Nothing in sub-section (7) of this section shall affect any power of a court of competent jurisdiction to determine whether any provision of a statute is wholly or partly void as being ultra vires or as being inconsistent with the Constitution of the Federal Republic of Nigeria, 1999 (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 12 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 13: Proof of Statute.

A statute may be proved in any court by the production of a copy thereof bearing or having affixed to it a certificate purporting to be signed by the Provost or the Secretary to the Council to the effect that the copy is a true copy of a statute of the College (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 13 stands part of the Bill — Agreed to.

PART IV — SUPERVISION AND DISCIPLINE

Committee's Recommendation:

Clause 14: The Visitor.

- (1) The President shall be the Visitor of the College.
- (2) The Visitor shall cause a visitation to the College when necessary, at least every five years, or direct that such a visitation be conducted by such person or persons as the Visitor may deem fit and in respect of any of the affairs of the College.
- (3) It shall be the duty of the bodies and persons comprising the College to make available to the Visitor and to any other person conducting a visitation in pursuance of this section, such facilities and assistance as he or they may reasonably require for the purposes of a visitation.
- (4) The Visitor shall make the report of such visitations and white paper thereon available to the Council which shall implement same (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 14 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 15: Removal of certain Members of Council.

- (1) If it appears to the Council that a member of the Council (other than the Pro-Chancellor or the Provost) should be removed from office on the ground of misconduct or inability to perform the functions of his office or employment, the Council shall make recommendation to that effect through the Minister to the President, and the President, after making such enquiries (if any) as he may consider appropriate approves the recommendation, he may direct the removal of the person in question from office.

- (2) It shall be the duty of the Minister to use his best endeavours to cause a copy of the instrument embodying a direction under subsection (1) of this section to be served as soon as reasonably practicable on the person to whom it relates (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 15 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 16: Removal and discipline of academic, administrative and professional staff.

- (1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or professional staff of the College, other than the Provost, should be removed from his office or employment on the ground of misconduct or of professional inability to perform the functions of his office or employment, the Council shall:
- (a) give notice of those reasons to the person in question;
 - (b) afford him an opportunity of making representations in person on the matter by the Council; and
 - (c) for the person in question to be afforded an opportunity of appearing before and being heard by the investigating committee with respect to the matter, and if the Council, after considering the report of the investigating committee, is satisfied that the person in question should be removed as aforesaid, the Council may so remove him by an instrument in writing signed on the directions of the Council.
- (2) The Provost may, in a case of misconduct by a member of the staff which in the opinion of the Provost is prejudicial to the interest of the College, suspend such member and any such suspension shall forthwith be reported to the Council.
- (3) For good cause, any member of the staff may be suspended from his duties or his appointment may be terminated by the Council; and for the purposes of this subsection "good cause" means:
- (a) conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office;
 - (b) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office;
 - (c) conduct of a scandalous or other disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold his office;
 - (d) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with the terms and conditions of his service; or

- (e) conduct which the Council considers to be generally of such nature as to render the continued appointment or service of the person concerned prejudicial or detrimental to the interest of the College.
- (4) Any person suspended pursuant to subsection (2) or (3) of this section shall be on half pay and the Council shall before the expiration of a period of three months after the date of such suspension consider the case against that person and come to a decision as:
- (a) whether to continue such person's suspension and if so on what terms (including the proportion of his emoluments to be paid to him);
- (b) whether to reinstate such person, in which case the Council shall restore his full emoluments to him with effect from the date of suspension;
- (c) whether to terminate the appointment of the person concerned, in which case such a person shall not be entitled to the proportion of his emoluments withheld during the period of suspension; or
- (d) whether to take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments that might have been withheld) as the Council may determine.
- (5) In any case where the Council, pursuant to this section, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Council shall before the expiration of a period of three months from such decision come to a final determination in respect of the case concerning any such person.
- (6) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of subsection (1) of this section to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.
- (7) Nothing in the foregoing provisions of this section shall:
- (a) apply to any directive given by the Visitor in consequence of any visitation; or
- (b) prevent the Council from making regulations for the discipline of other categories of workers of the College as may be prescribed (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 16 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 17: Removal of examiners.

- (1) If, on the recommendation of the Senate, it appears to the Provost that a person appointed as an examiner for any examination of the College ought to be removed from his office or appointment, then, except in such cases as may be prescribed by the Provost may, after affording the examiner an opportunity of making representations in person on the matter to the Provost, remove the examiner from the appointment by an instrument in writing signed by the Provost.

- (2) Subject to the provisions of regulations made in pursuance of section 7 (5) of this Bill, the Provost may, on the recommendation of the Senate, appoint an appropriate person as examiner in the place of the examiner removed in pursuance of subsection (1) of this section.
- (3) It shall be the duty of the Provost on signing an instrument of removal pursuant to this section, to use his best endeavours to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it is related (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 17 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 18: Participation and Discipline of Students.

- (1) The Students shall be:
 - (a) represented in the College's Students Welfare Board and other committees that deal with the affairs of students;
 - (b) participate in various aspects of curriculum development;
 - (c) participate in the process of assessing academic staff in respect of teaching; and
 - (d) be encouraged to be more self-assured as part of the national development process.
- (2) Subject to the provisions of this section, where it appears to the Provost that any student of the College has been guilty of misconduct, the Provost may, without prejudice to any other disciplinary powers conferred on him by statute or regulations, direct:
 - (a) that the student shall not, during such period as may be specified in the directions, participate in such activities of the College, or make use of such facilities of the College, as may be so specified, or
 - (b) that the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as maybe so specified, or
 - (c) that the student be rusticated for such period as may be specified in the direction; or
 - (d) that the student be expelled from the College.
- (3) Where a direction is given under subsection (1) (c) or (d) of this section in respect of any student, that student may, within the prescribed period and in the prescribed manner, appeal to the Council; and where such an appeal is brought, the Council shall, after causing such inquiry to be made in the matter as the Council considers just either confirm or set aside the direction or modify it in such manner as the Council thinks fit.
- (4) The fact that an appeal from a direction is brought in pursuance to subsection (2) of this section shall not affect the operation of the direction while the appeal is pending:

- (a) the Provost may delegate his powers under this section to a disciplinary board consisting of such members of the College as he may nominate.
- (b) nothing in this section shall be construed as preventing the restriction or termination of students' activities at the College otherwise than on the ground of misconduct.
- (c) a direction under subsection (2) (a) of this section may be combined with a direction under subsection (2) (b) of this section (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 18 stands part of the Bill — Agreed to.

PART V — MISCELLANEOUS AND GENERAL.

Committee's Recommendation:

Clause 19: Exclusion of discrimination on account of race, religion, etc.

- (1) No person shall be required to satisfy requirements as to any of the following matters, that is to say, race (including ethnic grouping), sex, account of race, place of birth or of family origin, or religious or political persuasion, as a condition of becoming or continuing to be a student at the College, the holder of any degree of the College or of any appointment or employment at the College, or a member of anybody established by virtue of this Bill; and no person shall be subject to any disadvantage or accorded any advantage relation to the College, by reference to any of those matters.
- (2) Nothing in subsection (1) of this section shall be construed as preventing the College from imposing any disability or restriction on any of the persons mentioned in that subsection where such person willfully refuses or fails on grounds of religious belief to undertake any duty generally and uniformly imposed on all such person or any group of them which duty, having regard to its nature and the special circumstances pertaining thereto, is in the opinion of the College reasonably justifiable in the national interest (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 19 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 20: Restriction on disposal of land by College.

Without prejudice to the provisions of the Land Use Act, the College shall not dispose of or charge any land or an interest in any land (including any land transferred to the College by this Bill) except with the prior written consent, either general or special, of the Governor:

Provided that such consent shall not be required in the case of any lease or tenancy at a rack-rent for a term not exceeding 21 years or any lease or tenancy to a member of the College for residential purpose (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 20 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 21: Quorum and procedure of bodies established by this Bill.**

Except as may be otherwise provided by statute or by regulations, the quorum and procedure of any body of persons established by this Bill shall be as determined by that body (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 21 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 22: Appointment of committee, etc.**

(1) Anybody of persons established by this Bill shall, without prejudice to the generality of the powers of that body, have power to appoint committees, which need not consist exclusively of members of that body, and to authorize a committee established by it:

(a) to exercise, on its behalf, such of its functions as it may determine; and

(b) to co-opt members.

(2) Any two or more such bodies may arrange for the holding of joint meetings of those bodies, or for the appointment of committees consisting of members of those bodies, for the purpose of considering any matter within the competence of those bodies or any of them, and either of dealing with it or of reporting on it to those bodies or any of them.

(3) Except as may be otherwise provided by statute or by regulations, the quorum and procedure of a committee established or meeting held in pursuance of this section, shall be such as may be determined by the body or bodies which have decided to establish the committee or hold the meeting.

(4) Nothing in the provisions of subsections (1), (2) and (3) of this section shall be construed as:

(a) enabling the statutes to be made otherwise than in accordance with section 1 of this Bill; or

(b) enabling the Senate to empower any other body to make regulations of the award degrees or other qualifications.

(5) The Pro-Chancellor and the Provost shall be members of every committee of which the members are wholly or partly appointed by the Council (other than a committee appointed to inquire into the conduct of the officer in question); and the Provost shall be a member of every committee of which the members are wholly or partly appointed by the Senate (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 22 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 23: Retiring age of academic staff.**

(1) Notwithstanding anything to the contrary in the Pension Act, the compulsory retiring age of the following categories of staff shall be as follows:

(a) Academic staff of the College in the non-Professorial cadre shall be 65 years;

- (b) Academic staff of the College in the Professorial Cadre shall be 70 years;
- (c) Non-academic staff of the College shall be 65 years.
- (2) A law or rule requiring a person to retire from the public service after serving for 35 years shall not apply to an academic staff of the College (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 23 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 24: Special Provisions relating to Pension of Professors.

An academic staff of the College who retires as a Professor in the College shall be entitled to pension at a rate equivalent to his annual salary provided that the Professor has served continuously in the College up to the retirement age (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 24 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 25: Miscellaneous Administrative Provisions.

- (1) The seal of the College shall be such as may be determined by the Council and approved by the Chancellor, and the affixing of the seal shall be authenticated by any member of the Council and by the Provost, Secretary to the Council or any other person authorized by statute.
- (2) Any document purporting to be a document executed under the seal of the College shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed. (3) Any contract or instrument which if made or executed by a person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the College by any person generally or specially authorized to do so by the Council.
- (4) The validity of any proceedings of anybody established in pursuance of this Bill shall not be affected by any vacancy in the membership of the body, or by any defect in the appointment of a member of the body or by reason that any person not entitled to do so took part in the preceding.
- (5) Any member of any such body who has a personal interest in any matter proposed to be considered by that body shall forthwith disclose his interest to the body and shall vote on any question relating to that matter.
- (6) Nothing in section 12 of the Interpretation Act (which provides for the application in relation to subordinate legislation of certain incidental provisions) shall apply to statutes or regulations made in pursuance to this Bill.
- (7) The power conferred by this Bill on anybody to make statutes or regulations shall include power to revoke or vary any statute (including the statute contained in the Third Schedule of this Bill) or any regulation by a subsequent statute or as the case may be, by a subsequent regulation and statutes and regulations may make different provisions in relation to different circumstances.

- (8) No stamp or other duty shall be payable in respect of any transfer of property to the College by virtue of section 8 or section 18 of this Bill or the Second Schedule to this Bill.
- (9) Any notice or other instrument authorized to be served by virtue of this Bill may, without prejudice to any other mode of service, be served by post (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 25 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 26: Restriction of suits and execution.

(1) **Pre-Action Notice:**

- (a) no legal proceeding shall be instituted and/or commenced against the College or any of its agents in the course of their official duties unless a 3 months' Pre-Action Notice of such intention is served on the College by an aggrieved party;
- (b) the Notice shall state the reason and the cause of action intended to be taken against the College, the particulars of the claim, the name and place of abode of the intending plaintiff and the relief which he claims;
- (c) for the avoidance of doubt, it is hereby declared that no suit shall be commenced against an officer or servant of the College, in any case where the College is vicariously liable for any alleged act, neglect or default of the officer or servant in the performance or intended performances of his duties, unless three months at least has elapsed after written notice of intention to commence the same shall have been served on the College by the intending plaintiff or his agent;
- (d) in any suit against this College, no execution or attachment or process in the nature thereof shall be issued against the College, but any sums of money which may be judgment of the court be awarded against the College shall, subject to any direction given by the court where notice of appeal has been given by the College in respect of the said judgment, be paid by the College from its general fund.

(2) **Service of Notices:**

Service upon the College of any notice, order or other document may be effected by delivering the same or by sending it by registered post addressed to the Registrar and Secretary of the Council (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 26 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 27: Interpretation.

- (1) In this Bill, unless the context otherwise requires:

"Campus" means any campus which may be established by the College (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that the meaning of the word "Campus" be as defined in the interpretation to this Bill — Agreed to.

"College" means the College established pursuant to section 2 (1) (b) of this Bill for the College (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "College" be as defined in the interpretation to this Bill — Agreed to.

"Council" means the Governing Council of the College established by section 5 of this Bill (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Council" be as defined in the interpretation to this Bill — Agreed to.

"Functions" includes powers and duties (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Functions" be as defined in the interpretation to this Bill — Agreed to.

"Graduate" means a person on whom a degree, other than an honorary degree, has been conferred by the College and any other person as may be designated as a graduate by the Council, acting in accordance with the recommendation of the Senate (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Graduate" be as defined in the interpretation to this Bill — Agreed to.

"Minister" means the Hon. Minister of Education (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Minister" be as defined in the interpretation to this Bill — Agreed to.

"Notice" means notice in writing (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Notice" be as defined in the interpretation to this Bill — Agreed to.

"Officer" does not include the Visitor (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Officer" be as defined in the interpretation to this Bill — Agreed to.

"Prescribed" means prescribed by statute or regulations (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Prescribed" be as defined in the interpretation to this Bill — Agreed to.

"Professor" means a person designated as a Professor of the College in accordance with provisions made in that behalf by statute or by regulations (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Professor" be as defined in the interpretation to this Bill — Agreed to.

"Property" includes rights, liabilities and obligations (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Property" be as defined in the interpretation to this Bill — Agreed to.

"Provisional Council" means the provisional council appointed for the College (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the words "Provisional Council" be as defined in the interpretation to this Bill — Agreed to.

"Regulations" means regulations made by the Senate or the Council (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Regulations" be as defined in the interpretation to this Bill — Agreed to.

"Senate" means the Senate of the College established pursuant to section 2 (1) (e) of this Bill (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Senate" be as defined in the interpretation to this Bill — Agreed to.

"School" means a unit of closely related academic programmes (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "School" be as defined in the interpretation to this Bill — Agreed to.

"Statute" means a statute made by each College under section 10 of this Bill and in accordance with the provisions of section 11 of this Bill (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Statute" be as defined in the interpretation to this Bill — Agreed to.

"the statutes" means all such statutes as are in force from time to time (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the words "the statutes" be as defined in the interpretation to this Bill — Agreed to.

"Teacher" means a person holding a full-time appointment as a member of the teaching or research staff of the College (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Teacher" be as defined in the interpretation to this Bill — Agreed to.

"Undergraduate" means a person registered as a student undergoing a course of study for a first degree of the College or such other course in the College as may be approved by the Senate as qualifying a student undergoing it for the status of an under-graduate (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that the meaning of the word "Undergraduate" be as defined in the interpretation to this Bill — Agreed to.

"College" means the Federal College of Education (Technical), Ako, Ago-Iwoye, Ogun State established and incorporated by section 1 of this Bill (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that the meaning of the word "College" be as defined in the interpretation to this Bill — Agreed to.

- (2) It is hereby declared that where in any provision of this Bill it is laid down that the proposals are to be submitted or a recommendation is to be made by one authority or another through one or more intermediate authorities, it shall be the duty of every such intermediate authority to forward any proposals of that or recommendations received by it in pursuance of that provision to the appropriate authority; but any such intermediate authority may, if it thinks fit, forward therewith its own comments thereon (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 27 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 28: Short Title.

This Bill may be cited as the Federal College of Education (Technical), Ako, Ago-Iwoye, Ogun State (Establishment) Bill, 2021 (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 28 stands part of the Bill — Agreed to.

SCHEDULES

FIRST SCHEDULE

[Section 2 (2)]

PRINCIPAL OFFICERS OF THE COLLEGE

The Chancellor

1. The Chancellor shall be appointed by and hold office at the pleasure of the President.

The Pro-Chancellor

2. (1) The Pro-Chancellor who shall be the Chairman of Council shall be appointed or removed from office by Mr President upon recommendation by the Minister of Education.
- (2) Subject to the provisions of this Bill, the Pro-Chancellor shall hold office for a period of four years beginning with the date of his appointment.

The Provost

3. (1) There shall be a Provost of the College who shall be appointed by the Council in accordance with the provisions of this paragraph.
- (2) Where a vacancy occurs in the post of a Provost, the Council shall:
 - (a) advertise the vacancy in a reputable journal or a widely read newspaper in Nigeria, specifying:
 - (i) the qualities of the persons who may apply for the post, and
 - (ii) the terms of conditions of service applicable to the post, and thereafter draw up a short list of suitable candidates for the post for consideration:
 - (b) constitute a Search Team consisting of:
 - (i) a member of the Council, who is not a member of the Senate, as chairman,
 - (ii) two members of the Senate who are not members of the Council, one of whom shall be a Professor,
 - (iii) two members of Congregation who are not members of the Council, one of whom shall be a Professor, to identify and nominate for consideration, suitable persons who are not likely to apply for the post on their own volition because they felt that it is not proper to do so.
- (3) A Joint Council and Senate Selection Board consisting of:
 - (a) the Pro-Chancellor, as chairman:
 - (b) two members of the Council, not being members of the Senate;
 - (c) two members of the Senate who are Professors, but who were not members of the Search Team, shall consider the candidates and persons in the shortlist drawn up under subsection (2) of this paragraph through an examination of their curriculum vitae and interaction with them, and recommend to the Council three candidates for further consideration.
- (4) The Council shall select and appoint as the Provost one candidate from among the three candidates recommended to it under subsection (3) of this section and thereafter inform the Visitor.
- (5) The Provost shall hold office for a single term of five years only on such terms and conditions as may be specified in his letter of appointment.
- (6) The Provost may be removed from office by the Council on grounds of gross misconduct or inability to discharge the functions of his office as a result of infirmity of the body or mind, at the initiative of the Council, Senate or the Congregation after due process.
- (7) When the proposal for the removal of the Provost is made, the Council shall constitute a Joint Committee of Council and Senate consisting of:

- (i) three members of the Council, one of whom shall be the Chairman of the committee; and
- (ii) two members of the Senate,

Provided that where the ground for removal is infirmity of the body or mind, the Council shall seek appropriate medical opinion.

- (8) The committee shall conduct investigation into the allegations made against the Provost and shall report its findings to the Council.
- (9) The Council may where the allegations are proved remove the Provost or apply any other disciplinary action it may deem fit and notify the Visitor accordingly provided that a Provost who is removed shall have right of appeal to the Visitor.
- (10) There shall be **no sole** administrator in the College.
- (11) In any case of a vacancy in the office of the Provost, the Council shall appoint an acting Provost on recommendation of the Senate.
- (12) An acting Provost in all circumstances shall not be in office for more than 6 months.

Deputy Provost

- 4. (1) There shall be for the College such number of Deputy Provosts as Council may from time to time deem necessary for the proper administration of the College.
- (2) Where a vacancy occurs in the post of Deputy Provost, the Provost shall forward to the Senate a list of two candidates for each post of Deputy Provost that is vacant.
- (3) The Senate shall select for each vacant post one candidate from each list forwarded for it under subsection (2) of this paragraph and forward his name to the Council for confirmation.
- (4) A Deputy Provost shall:
 - (a) assist the Provost in the performance of his functions;
 - (b) act in the place of the Provost when the post of the Provost is vacant or if the Provost is, for any reason, absent or unable to perform his functions as Provost; and
 - (c) perform such other functions as the Provost or the Council may, from time to time, assign to him.
- (5) A Deputy Provost:
 - (a) shall hold office for a period of two years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment; and
 - (b) may be reappointed for one further period of two years and no more.
 - (c) may be removed from office for good cause by the Council acting on the recommendations of the Provost and Senate.

- (d) "Good cause" for the purpose of this section means gross misconduct or inability to discharge the functions of his office arising from infirmity of the body or mind.

Office of the Registrar

5. (1) There shall be for the College, a Registrar, who shall be the chief administrative officer of the College and shall be responsible to the Provost for the day-to-day administrative work of the College except as regards matters for which the Bursar is responsible in accordance with paragraph 6.(2) of this Schedule.
- (2) The person holding the office of the Registrar shall by virtue of that office be Secretary to the Council, the Senate, Congregation and Convocation.

Other Principal Officers of the College

6. (1) There shall be for the College the following principal officers, in addition to the Registrar, that is:
- (a) the Bursar; and
- (b) the College Librarian, who shall be appointed by the Council on the recommendation of the Selection Board constituted under paragraph 7 of this Schedule.
- (2) The Bursar shall be the Chief Financial Officer of the College and be responsible to the Provost for the day-to-day administration and control of the financial affairs of the College.
- (3) The College Librarian shall be responsible to the Provost for the administration of the College Library and the co-ordination of the library services in the College and its campuses, colleges, schools, departments, institutes and other teaching or research units.
- (4) Any question as to the scope of the responsibilities of the aforesaid officers shall be determined by the Provost

Selection Board for other Principal Officers

7. (1) There shall be, for the College, a Selection Board for the appointment of principal officers, other than the Provost or Deputy Provost, which shall consist of:-
- (a) the Pro-Chancellor, as chairman;
- (b) the Provost;
- (c) four members of the Council not being members of the Senate; and
- (d) two members of the Senate.
- (2) The functions, procedure and other matters relating to the Selection Board constituted under subsection (1) of this paragraph shall be as the Council may, from time to time, determine.

- (3) The Registrar, Bursar and Librarian shall hold office for a single term of five years only beginning from the effective date of their appointments and on such terms and conditions as may be specified in their letters of appointment.
- (4) Notwithstanding subsection (3) of this section, the Council may, upon satisfactory performance, extend the tenure of the Registrar, Bursar or Librarian for a further period of one year only and thereafter such principal officer shall relinquish his post and be assigned to other duties in the College.

Resignation and Re-appointment

8. (1) Any officer mentioned in the foregoing provisions of this Schedule may resign his office:
 - (a) in the case of the Chancellor or Pro-Chancellor, by notice to the Visitor;
 - (b) in any other case, by notice to the Council and the Council shall, in the case of the Provost, immediately notify the Visitor.
- (2) Without prejudice to paragraph 4 of this Schedule, a person who has ceased to hold an office so mentioned otherwise than by removal for misconduct shall be eligible for re-appointment to that office (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that the provisions of the First Schedule stand part of the Bill — Agreed to.

SECOND SCHEDULE

TRANSITIONAL PROVISIONS AS TO PROPERTY, FUNCTIONS, ETC.

Transfer of Property to College

1. Without prejudice to the generality of section 9 (1) of this Bill:
 - (a) the reference in that subsection to property held by the Provisional Council shall include a reference to the right to receive and give a good discharge for any grants or contributions which may have been voted or promised to the Provisional Council;
 - (b) all debts and liabilities of the Provisional Council outstanding shall become debts or liabilities of the College.
2. (1) All agreements, contracts, deeds and other instruments to which the Provisional Council was a party shall, so far as possible and subject to any necessary modifications, have effect as if the College had been a party thereto in place of the Provisional Council.
- (2) Documents not falling within subsection (1) of this paragraph, including enactment which refer, whether specially or generally, to the Provisional Council, shall be construed in accordance with that sub-section so far as applicable.
- (3) Any legal proceedings or application to any authority pending by or against the Provisional Council may be continued by or against the College.

Registration of transfers

3. (1) If the law in force at the place where any property transferred by this Bill is situated provides for the registration of transfers of property of the kind in question (whether by reference to an instrument of transfer or otherwise), the law shall, so far as it provides for alterations of a register (but not for avoidance of transfers, the payment of fees or any other matter) apply, with necessary modifications, to the property aforesaid.
- (2) It shall be the duty of the body to which any property is transferred by this Bill to furnish the necessary particulars of the transfer to the proper officer of the registration authority, and of that officer to register the transfer accordingly.

Transfer of Functions, etc.

4. (1) The first meeting of the Council shall be convened by the Pro-Chancellor on such date and in such manner as he may determine.
- (2) The persons who were members of the Provisional Council shall be deemed to constitute the Council until the date when the Council as set up under the Third Schedule to this Bill shall have been duly constituted.
- (3) The first meeting of the Senate as constituted by this Bill shall be convened by the Provost on such date and in such manner as he may determine.
- (4) The persons who were members of the Academic Board immediately before the coming into force of this Bill shall be deemed to constitute the Senate of the College until the date when the Senate as set up under the Third Schedule to this Bill shall have been duly constituted.
- (5) Subject to any regulations which may be made by the Senate after the date on which this Bill is made, the schools, school boards and students of the College immediately before the coming into force of this Bill shall on that day become schools, school boards and students of the College as constituted by this Bill.
- (6) Persons who were Deans of schools and Heads of Academic Departments shall continue to be Deans or HODs of the corresponding School/Department, until new appointments are made in pursuance of the statutes.
- (7) Any person who was a member of the staff of the College as established or was otherwise employed by the Provisional Council shall become the holder of an appointment at the College with the status, designation and functions which correspond as nearly as may be to those which appertained to him as member of that staff or as such an employee (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that the provisions of the Second Schedule stand part of the Bill — Agreed to.

THIRD SCHEDULE

[Section 9 (3)]

FEDERAL COLLEGE OF EDUCATION (TECHNICAL), AKO,
AGO-IWOYE, OGUN STATE, STATUTE NO. 1

ARRANGEMENT OF ARTICLES

Articles:

1. The Council.
2. The Finance and General Purposes Committee
3. The Senate
4. The Congregation
5. Convocation
6. Division of Colleges
7. College/School Boards
8. Dean of the College
9. Selection of certain Principal Officers
10. Creation of academic posts
11. Appointment of academic staff
12. Appointment of administrative and professional staff
13. Interpretation.
14. Short Title

The Council

1. (1) The composition of the Council shall be as provided in section 5 of this Bill.
- (2) Any member of the Council holding office otherwise than in pursuance of section 5 (a), (b), (c), or (d) of this Bill may, by notice to the Council, resign his office.
- (3) A member of the Council holding office otherwise than in pursuance of section 5 (a), (b), (c), or (d) of this Bill shall, unless he previously vacates it, vacate that office on the expiration of the period of four years beginning with effect from 1 August in the year which he was appointed.
- (4) Where a member of the Council holding office otherwise than in pursuance of section 5 (a), (b), (g), or (h) of this Bill vacates office before the expiration of the period aforesaid, the body or person by whom he was appointed may appoint a successor to hold office for the residue of the term of his predecessor.
- (5) A person ceasing to hold office as a member of the Council otherwise than by removal for misconduct shall be eligible for re-appointment for only one further period of four years.
- (6) The quorum of the Council shall be five, at least one of whom shall be a member appointed pursuant to section 5 (d) or (e) of this Bill.
- (7) If the Pro-Chancellor is not present at a meeting of the Council, such other member of the Council present at the meeting as the Council may appoint as respects that meeting shall be the chairman at that meeting, and subject to section 4 of this Bill and the foregoing provisions of this paragraph, the Council may regulate its own procedure.

- (8) Where the Council desires to obtain advice with respect to any particular matter may co-opt not more than two persons for that purpose, and the persons co-opted may take part in the deliberations of the Council at any meeting but shall not be entitled to vote.

The Finance and General Purposes Committee

2. (1) The Finance and General Purposes Committee of the Council shall consist of:
- (a) the Pro-Chancellor, who shall be the chairman of the Committee at any meeting at which he is present;
 - (b) the Provost and Deputy Provosts;
 - (c) six other members of the Council appointed by the Council, two of whom shall be selected from among the four members of the Council appointed by the Senate and one member appointed to the Council by Congregation;
 - (d) the Permanent Secretary of the Federal Ministry of Education, or in his absence, such member of his Ministry as he may designate to represent him; and
 - (e) the Executive Secretary of the Petroleum Technology Development Fund, or in his absence, such member of the Fund as he may designate to represent him.
- (2) The quorum of the Committee shall be five.
- (3) Subject to any directions given by the Council, the Committee may regulate its own procedure.

Annual budget and estimates, etc.

- (4) (i) The estimates of income and expenditure for a financial year shall be presented by the Provost to the Council and may be approved by the Council before the beginning of that financial year:
- Provided that the Provost may during any financial year present and the Council may approve supplementary estimates of income or expenditure.
- (ii) The annual and supplementary estimates shall be prepared in such form and shall contain such information as the Council may direct.

Gifts, donations, etc.

- (5) (i) The Council may on behalf of the College accept by way of grants, gift, testamentary disposition or otherwise, property and money in aid of the finances of the College on such conditions as it may approve.
- (ii) Registers shall be kept of all donations to the College including the names of donors and any special conditions under which any donation may have been given:

Provided that the College shall not be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attaching to such donation.

- (iii) All property, money or funds donated for any specific purposes shall be applied and administered in accordance with the purposes for which they are donated and shall be accounted for separately.

Payment into bank

- (6) All sums of money received on account of the College shall be paid into such bank as may be approved by the Council for the credit of the College's general, current or deposit account:

Provided that the Council may invest, as it deems fit, any money not required for immediate use other than donations of money referred to in subsection (1) of this section.

Audit

3. (1) The Council shall cause the accounts of the College to be audited by auditors appointed by the Council as soon as may be after the end of each financial year or for any such other period as the Council may require.
- (2) The appointment and other matters relative to the auditors, their continuance in office and their functions, as the case may be, shall, subject to the provisions of this section, be prescribed by statute

The Senate

4. (1) The Senate shall consist of:
- (i) the Provost;
 - (ii) Deputy Provosts;
 - (iii) the Deans of respective Colleges;
 - (iv) the Professors in the College;
 - (v) Heads of Academic Departments and Units;
 - (vi) the College Librarian;
 - (vii) one elected representative of each College;
 - (viii) two members of Academic Staff elected by the Congregation;
 - (ix) one elected representative of each department;
 - (x) two members representing a variety of interests of the professional bodies outside the College appointed by the Senate on the recommendation of the Provost;
 - (xi) Registrar — Secretary.
- (2) The procedure for election of members of Senate to the Council shall be prescribed by Regulations.

- (3) The Provost shall be the chairman at all meetings of the Senate when he is present, and in his absence any of the Deputy Provosts present at the meeting as the Senate may appoint for that meeting shall be the chairman at the meeting.
- (4) The quorum of the Senate shall be one quarter or the nearest whole number less than one quarter; and subject to paragraph (3) of this Article, the Senate may regulate its own procedure.
- (5) An elected member may, by notice to the Senate, resign his office.
- (6) Subject to paragraph (8) of this article, there shall be elections for the selection of elected members which shall be held in the prescribed manner on such day in the month of May or June in each year as the Provost may from time to time determine.
- (7) An elected member shall hold office for the period of two years beginning with 1 August in the year of his election, and may be a candidate at any election held in pursuance to paragraph (6) of this article in the year in which his period of office expires, so however that no person shall be such a candidate if at the end of his current period of office he will have held office as an elected member for a continuous period of six years or would have so held office if he had not resigned it.
- (8) No election shall be held in pursuance of this article in any year if the number specified in the certificate given in pursuance to paragraph (11) of this article does not exceed by more than one the figure which is thrice the number of those elected members holding office on the date of the certificate who do not vacate office during that year in pursuance of paragraph (7) of this article.
- (9) For the avoidance of doubt it is hereby declared that no person shall be precluded from continuing in or taking office as an elected member by reason only of reduction in the after 30 April in any year in which he is to continue in or take office as all elected member.
- (10) If so requested in writing by any fifteen members of the Senate, the Provost or in his absence any of the Deputy Provost duly appointed by him, shall convene a meeting of the Senate to be held not later than the tenth day following that on which the request was received.
- (11) In this article "total of non-elected members" means as respect any year, such number as may be certified by the Provost on 30 April of that year to be the number of persons holding office as members of the Senate on that day otherwise than as elected members.

Congregation

5. (1) Congregation shall consist of:
 - (i) Provost;
 - (ii) the Deputy Provosts;
 - (iii) the full-time members of the academic staff;
 - (iv) the Registrar;
 - (v) the Librarian;

- (vi) every member of the administrative staff who holds a degree, other than honorary degree, of any College recognized for the purposes of this statute by the Provost.
- (2) Subject to section 4 of this Bill, the Provost shall be the chairman at all meetings of Congregation when he is present; and in his absence any of the Deputy Provosts present at the meeting as Congregation may appoint for that meeting, shall be the chairman at the meeting.
- (3) The quorum of Congregation shall be one third or the whole number nearest to one third of the total number of members of Congregation of fifty, whichever is less.
- (4) A certificate signed by the Provost specifying:
 - (a) the total number of members of Congregation for the purpose of any particular meeting or meetings of Congregation; or
 - (b) the names of the persons who are members of Congregation during a particular period, shall be conclusive evidence of that number or, as the case may be, of the names of those persons.
- (5) The procedure for election of members of Congregation to the Council and the Senate shall be prescribed by Regulations.
- (6) Subject to the foregoing provisions of this article, Congregation may regulate its own procedure.
- (7) Congregation shall be entitled to express by resolutions or otherwise its opinion on all matters affecting the interest and welfare of the College and shall have such other functions, in addition to the function of electing a member of the Council, as may be provided by statute or regulations.

Convocation

- 6. (1) Convocation shall consist of:
 - (i) the officers of the College mentioned in the First Schedule to this Bill;
 - (ii) all teachers within the meaning of this Bill;
 - (iii) all other persons whose names are registered in accordance with paragraph (2) of this article.
- (2) A person shall be entitled to have his name registered as a member of convocation if:
 - (a) he is either a graduate of a College or a person satisfying such requirements as may be prescribed for the purposes of this paragraph; and
 - (b) he applies for the registration of his name in the prescribed manner and pay the prescribed fees.

- (3) Regulations shall provide for the establishment and maintenance of a register for the purpose of this paragraph and subject to paragraph (4) of this article may provide for the payment, from time to time, of further fees by persons whose names are on the register and for the removal from the register of the name of any person who fails to pay those fees.
- (4) The person responsible for maintaining the register shall, without the payment of any fees, ensure that the names of all persons who are for the time being members of the Convocation by virtue of paragraph (1) (a) or (b) of this article are entered and retained on the register.
- (5) A person who reasonably claims that he is entitled to have his name on the register shall be entitled on demand to inspect the register or a copy of the register at the principal times of the College at all reasonable times.
- (6) The register shall, unless the contrary is proved, be sufficient evidence that any person named therein is not, a member of Convocation; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entries in and deletions from the register made on or after that date shall be disregarded.
- (7) The quorum of Convocation shall be fifty or one third or the whole number nearest to one third or the whole number of members of Convocation whichever is less.
- (8) Subject to section 4 of the Act, the Chancellor shall be chairman at all meetings of Convocation when he is present, and in his absence the Provost shall be the chairman at the meeting.
- (9) Convocation shall have such functions, in addition to the function of appointing a member of the Council, as may be provided by statute or regulations.

Division of Colleges

7. Each College shall be divided into such number of branches as may be prescribed.

College Boards

8. (1) There shall be established in respect of each College, a Board of Studies which, subject to the provisions of this Statute, and subject to the directions of the Provost, shall:
 - (a) regulate the teaching and study of, and the conduct of examinations connected with, the subjects assigned to the college;
 - (b) deal with any other matter assigned to it by statute or by the Provost or by the Senate; and
 - (c) advise the Provost or the Senate on any matter referred to it by the Provost or the Senate.
- (2) Each College Board of Studies shall consist of:
 - (a) the Provost;
 - (b) the Dean;

- (c) the persons severally in charge of the branches of the school;
 - (d) the College Examination Officer;
 - (e) such of the teachers assigned to the college and having the prescribed qualifications as the Board may determine; and
 - (f) such persons, whether or not members of the College, as the Board may determine with the general or special approval of the Senate.
- (3) The quorum of the Board shall be eight members or one quarter, whichever is greater, of the members for the time being of the board; and subject to the provisions of this statute and to any provision made by regulations in that behalf, the Board may regulate its own procedure.

Deans of the Colleges.

9. (1) The Board of each College shall, at a meeting in the last term of any academic year which the term of office of the Dean expires, nominate one of its members, being one of the Professors assigned to that teaching unit, for appointment by the Senate as Dean of the College
- (2) The person appointed under paragraph 1 of this Article shall act as Dean of the College and chairman of all meetings of the College Board when he is present and shall be a member of all committees and other boards appointed by the College.
- (3) The Dean shall hold office for two years and shall be eligible for re-appointment one further period of two years. Thereafter he shall not be eligible for re-appointment until two years have elapsed.
- (4) The Dean of a College shall exercise general superintendence over the academic and administrative affairs of the College.
- (5) It shall be the function of the Dean to present to Convocation for the conferment of degrees to persons who have qualified for the degrees of the College at examination held in the branches of learning for which responsibility is allocated to that College.
- (6) There shall be a committee to be known as the Committee of Deans consisting of all the Deans of the several Colleges and that Committee shall advise the Provost on all academic matters and on particular matters referred to the College by the Senate.
- (7) The Dean of a College may be removed from office for good cause by the College Board after a vote would have been taken at a meeting of the Board, and in the event of a vacancy occurring following the removal of a Dean, an acting Dean may be appointed by the Provost:

Provided that at the next College Board meeting an election shall be held for a new Dean.

- (8) In this article "good cause" has the same meaning as in section 15 (3) of the Act.

Departmental Board of Studies

10. (1) There shall be a Departmental Board of Studies whose membership shall be made of all academic staff of the Department.

- (2) It shall be headed by a Professor who shall be appointed by the Provost and in the absence of a Professor, a senior academic staff shall be appointed in acting capacity.
- (3) For a Professor the term is for 3 years while 1 year is for acting capacity.
- (4) The Board shall superintend over all teachings and examinations in the Department.
- (5) The Board shall handle all disciplinary matters in the Department and make recommendations to the College where necessary.
- (6) Allocation of courses in the department shall be done by the Departmental Board on recommendation of the Head of Department.

*Selection of Directors of Physical Planning and
Development, Works and Services and Health*

11. (1) When a vacancy occurs in the office of the Directors of Physical Planning and Development, Works and Services and Health, a Selection Board shall be constituted by the Council which shall consist of:
 - (a) the Pro-Chancellor;
 - (b) the Provost;
 - (c) two members appointed by the Council, not being members of the Senate;
 - (d) two members appointed by the Senate.
- (2) The Selection Board after making such inquiries as it thinks fit, shall recommend a candidate to the Council for appointment to the vacant office; and after considering the recommendation of the board the Council may make an appointment to that office.

Tenure of Directors

12. A Director shall hold office on such terms and conditions as may be specified in his letter of appointment subject to the extant Regulations.

Creation of Academic Posts

13. Recommendations for the creation of academic posts other than principal officers shall be made by the Senate to the Council through the Finance and General Purposes Committee.

Appointment of Academic Staff

14. (1) Subject to the Act and statutes, the filling of vacancies in academic posts (including newly created ones) shall be the responsibility of the Council through the Departments and Colleges.
- (2) For the purpose of filling such vacancies, suitable selection boards to select and make appointments on behalf of the Council shall be set up.
- (3) For appointment to Professorships, Associate Professorship or Readerships or equivalent posts, a Board of Selection, with power to appoint, shall consist of:
 - (a) the Provost — Chairman;

- (b) Deputy Provost — Member;
 - (c) the Dean of the College — Member;
 - (d) Head of Department — Member;
 - (e) such other person(s), not exceeding two in number, deemed capable of helping the Board in assessing both the professional and academic suitability of a candidate under consideration, as the Senate may from time to time appoint;
 - (f) Registrar — Secretary.
- (4) For other academic posts, a Selection Board, with power to appoint, shall consist of:
- (a) the Provost or his representative — Chairman;
 - (b) the Dean of the College — Member
 - (c) Head of the Department concerned — Member
 - (d) an internal member of Council (not below the Rank of Senior Lecturer from the sister college in the Candidate's subject-area) — Member
 - (e) Registrar or his representative — Secretary
- (5) All appointments to senior library posts shall be made in the same way as equivalent appointments in the academic cadre; and for all such posts other than that of the Librarian, the Librarian shall be a member of the Selection Board.
- (6) Boards of Selection may interview candidates directly or consider the reports of specialist interviewing panels and shall in addition, in the case of Professorships, Associate Professorship, Readerships or equivalent Posts, consider the reports of External Assessors relevant to the area in which the appointment is being considered. Quorum shall be three (3) including the Chairman.

Appointment of Administrative and Professional Staff

15. (1) The administrative and professional staff of the College other than principal officers shall be appointed by the Council on its behalf by the Provost in accordance with delegation of powers made by the Council on its behalf.
- (2) A Selection Board, with power to appoint, shall consist of:
- (i) Provost;
 - (ii) Deputy Provost;
 - (iii) Registrar;
 - (iv) Bursar;
 - (v) College Librarian;
 - (vi) the Head of Department concerned;

- (vii) establishment and Human Resources Officer who shall serve as Secretary Quorum shall be three (3) including the Chairman.

Interpretation

16. In this Statute, the expression "the Act" means the Federal College of Education (Technical) Ako, Ago-Iwoye, Ogun State Act and any word or expression defined in the Act has the same meaning in this Statute.

Short Title

17. This Statute may be cited as the Federal College of Education (Technical), Ako, Ago-Iwoye, Ogun State Statute No. 1 (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that the provisions of the Third Schedule stand part of the Bill — Agreed to.

Explanatory Memorandum:

This Bill seeks to establish the Federal College of Education (Technical), Ako, Ago-Iwoye, Ogun State (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Provide for the Establishment of the Federal College of Education (Technical), Ako, Ago-iwoye, Ogun State; and for Other Related Matters (HB. 430) (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committee on Tertiary Education and Services on a Bill for an Act to Provide for Establishment of Federal College of Education (Technical), Ako, Ago-Iwoye, Ogun State; and for Related Matters (HB 430) and approved Clauses 1-28, the Schedules, the Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

(ii) **Committee on Tertiary Education and Services:**

Motion made and Question proposed. "That the House do consider the Report of the Committee on Tertiary Education and Services on a Bill for an Act to Establish Federal College of Agriculture, Malumfashi, Katsina State; and for Related Matters (HB. 424)" (*Hon. Aminu Suleiman — Fagge Federal Constituency*)

Agreed to.

Question that the House do resolve into the Committee of the Whole to consider the Report — Agreed to.

(HOUSE IN COMMITTEE)

(Mr Speaker in the Chair)

A BILL FOR AN ACT TO ESTABLISH FEDERAL COLLEGE OF
AGRICULTURE, MALUMFASHI, KATSINA STATE;
AND FOR RELATED MATTER (HB. 424)

Committee's Recommendation:

Clause 1: Establishment and objectives of Federal College of Agriculture, Malumfashi.

- (1) There is hereby established Federal College of Agriculture, Malumfashi, in this Bill referred to as ("the College").
- (2) The Federal College of Agriculture shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 1 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 2: Objectives of the College.

The objectives of the College shall be —

- (a) to encourage the advancement of learning and to hold out to all persons without distinction of race, creed, sex or political conviction, the opportunity of acquiring a higher education in agriculture;
- (b) to develop and offer academic and professional programmes leading to the award of diplomas, first degrees, postgraduate research and higher degrees which emphasise planning, adaptive, technical, maintenance, developmental and productive skills in agriculture, agricultural engineering and allied professional disciplines with the aim of producing socially mature persons with capacity to improve on those disciplines and develop new ones, but also to contribute to the scientific transformation of agriculture in Nigeria;
- (c) to act as agents and catalysts, through postgraduate training, research and innovation for the effective and economic utilisation, exploitation and conservation of Nigeria's natural, agricultural, economic and human resources;
- (d) to offer to the general population, as a form of public service, the results of training and research in agriculture and allied disciplines and to foster the practical application of those results;
- (e) to establish appropriate relationships with other national institutions involved in training, research and development of agriculture;
- (f) to identify the agricultural problems and needs of Nigeria and to find solutions to them within the context of overall national development;
- (g) to provide and promote sound basic scientific training as a foundation for the development of agriculture and allied disciplines, taking into account indigenous culture, the need to enhance national unity, the need to vastly increase the practical content of student training, and adequate preparation of graduates for self-employment in agriculture and allied professions;
- (h) to promote and emphasise teaching, research and extension of agricultural knowledge, including agriculture extension services and outreach programmes, in-service training, continuing education, and on-farm adaptive research;

- (i) to offer academic programmes in relation to the training of manpower for agriculture in Nigeria;
- (j) to organise research relevant to training of agriculture with emphasis on small-scale farming;
- (k) to organise extension services and out-reach programmes for technology transfer;
- (l) to establish institutional linkages in order to foster collaboration and integration of training, research, and extension activities; and
- (m) to undertake any other activities appropriate for Universities of Agriculture (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 2 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 3: Principal Officers of the College.

- (1) Each College shall consist of —
 - (a) Chairman of Governing Council;
 - (b) Provost;
 - (c) Deputy Provost;
 - (d) schools, departments, institutes and other teaching and research units;
 - (e) persons holding the offices constituted by the First Schedule to this Bill other than those mentioned in paragraph (a) to (d) of this subclause;
 - (f) all students of the College; and
 - (g) all other persons who are members of the College in accordance with provisions made by regulation in that behalf.
- (2) The First Schedule to this Bill shall have effect with respect to the principal officers of the college therein mentioned.
- (3) Subject to clause 6 of this Bill, provision shall be made by regulation with respect to the constitution of the following bodies, namely the Council, Congregation and Convocation (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 3 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 4: Powers of the College and their exercise.

- (1) For the carrying out of its objects as specified in clause 2 of this Bill, the College shall have power —

- (a) to establish such campuses, colleges, institutes, schools, extra-mural departments and other teaching and research units within the College as may, from time to time, be deemed necessary or desirable, subject to the approval of the Federal Ministry of Agriculture and Rural Development;
- (b) to establish agricultural and rural extension services in various parts of Nigeria;
- (c) to institute professorships, readerships or associate professorships, and other posts and offices and to make appointments thereto;
- (d) to institute and award fellowships, scholarships, exhibitions, bursaries, medals, prizes and other titles, distinctions, awards and other forms of assistance;
- (e) to provide for the discipline and welfare of students of the College;
- (f) to hold examinations and grant National Diploma and Higher National Diploma, and other distinctions to persons who have pursued a course of study approved by the college and have satisfied such other requirements as the College may lay down;
- (g) to demand and receive from any student or any other person attending the College for the purpose of instruction such fees as the College may, from time to time, determine subject to the overall directives of the Minister;
- (h) subject to clause 23 of this Bill, to acquire, hold, grant, charge or otherwise deal with or dispose of movable and immovable property wherever situate;
- (i) to accept gifts, legacies and donations, but without obligation to accept the same for a particular purpose unless it approves the terms and conditions attaching thereto;
- (j) to enter into contracts, establish trusts, act as trustee, solely or jointly with any other person, and employ and act through agents;
- (k) to erect, provide, equip and maintain libraries, laboratories; lecture halls, halls of residence, refectories, sports grounds, playing fields and other buildings or things necessary or suitable or convenient for any of the objects of the College;
- (l) to hold public lectures and to undertake printing, publishing and book-selling;
- (m) subject to any limitations or conditions imposed by regulation, to invest any money appertaining to the College by way of endowment, not being immediately required for current expenditure, in any investments or securities or the purchase or improvement of land, with power from time to time to vary any such investments and to deposit any money for the time being not invested with any bank on deposit or current account;

- (n) to borrow, whether on interest or not if need be upon the security of any or all of the property, movable or immovable, of the College, such moneys as the Council may, from time to time, in its discretion find it necessary or expedient to borrow or to guarantee any loan, advances or credit facilities;
 - (o) to do anything which it is authorised or required by this Bill or by regulation to do; and
 - (p) to do all such acts or things, incidental to the foregoing powers, as may advance the objects of the College.
- (2) Subject to the provisions of this Bill and of the regulations and without prejudice to clause 9 (2) of this Bill, the powers conferred on the College by subclause (1) of this clause shall be exercisable on behalf of the College by the Governing Council or in any other manner, which may be authorised by regulation.
- (3) The power of the College to establish further campuses and colleges within the College shall be exercisable by Bill and not otherwise (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 4 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 5: Functions of the Chairman Governing Council.

- (1) The Chairman shall, in relation to the College, take precedence before all other members of the College and when he is present shall preside at all meetings of Convocation held for conferring degrees.
- (2) The Chairman shall exercise such other powers and perform such other duties as may be conferred or imposed on him by this Bill or the regulations (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 5 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 6: Composition of the Council.

The Council of the College shall consist of —

- (a) the Chairman;
- (b) the Provost;
- (c) the Deputy Vice-Provost;
- (d) one person not below the rank of Director from the Ministry responsible for education;
- (e) all Senior Academic and Non-Academic staff are members of the congregation;
- (f) the Provost and Deputy Provost shall be Chairman and Secretary respectively;
- (g) two persons appointed by the Academic Board from among its members;

- (h) two persons appointed by Congregation from among its members;
- (i) one person appointed by Convocation from among its members (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 6 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 7: Functions of the Council and its Finance and General Purposes Committee.

- (1) Subject to the provisions of this Bill relating to the Visitor, the Council shall be the governing body of the College and shall be charged with the general control and superintendence of the policy, finance and property of the College.
- (2) There shall be a committee of the Council to be known as the Finance and General Purposes Committee, which shall, subject to the directions of the Council, exercise control over the property and expenditure of the College and perform such other functions of the Council as the Council may, from time to time, delegate to it.
- (3) Provision shall be made by regulation with respect to the constitution of the Finance and General Purposes Committee.
- (4) The Council shall ensure that proper accounts of the College are kept and that the accounts of the College are audited annually by an independent firm of auditors approved by the Council and that an annual report shall be published by the College together with certified copies of the said accounts as audited.
- (5) Subject to this Bill, the Council and the Finance and General Purposes Committee may each make rules for regulating their own procedure.
- (6) Rules made under subclause (5) of this clause by the Finance and General Purposes Committee shall not come into force unless approved by the Council; and in so far and to the extent that any rules so made by that Committee conflict with any directions given by the Council (whether before or after the coming into force of the rules in question), the direction of the Council shall prevail.
- (7) There shall be paid to the members of the Council, the Finance and General Purposes Committee respectively and of any other committee set up by the Council an allowance in respect of travelling and other reasonable expenses, at such rates as may, from time to time, be fixed by the Minister.
- (8) The Council shall meet as and when necessary for the performance of its functions under this Bill and shall meet at least three times in every year.
- (9) If requested in writing by any five members of the Council the chairman shall within 28 days after the receipt of such request call a meeting of the Council.
- (10) Any request made under subclause (9) of this clause shall specify the business to be considered at the meeting and a business not so specified shall not be transacted at the meeting (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 7 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 8: Functions of the Academic Board.

- (1) It shall be the general function of the Academic Board to organise and control the teaching by the College, the admission (where no other enactment provides to the contrary, of students) and the discipline of students; and to promote research at the College.
- (2) Without prejudice to the generality of subclause (1) of this clause and subject as there mentioned, it shall in particular be the function of the Council to make provision for —
 - (a) the establishment, organisation and control of campuses, schools, institutes and other teaching and research units of the College and allocation of responsibility for different branches of learning;
 - (b) the organisation and control of courses of study in the College and of the examinations held in conjunction with those courses, including the appointment of examiners, both internal and external;
 - (c) the award of degrees, and such other qualifications as may be prescribed, in connection with examinations held as aforesaid;
 - (d) the making of recommendations to the Council with respect to the award to any person of an honorary fellowship;
 - (e) the establishment, organisation and control of halls of residence and similar institutions at the College;
 - (f) the supervision of the welfare of students at the College and the regulation of their conduct;
 - (g) the granting of fellowships, scholarships, prizes and similar awards in so far as the awards are within the control of the College; and
 - (h) determining what description of dress shall be academic dress for the purposes of the College, and regulating the use of academic dress.
- (3) The Board shall not establish any new campus, college, school, department, institute or other teaching and research units of the College without the approval of the Council.
- (4) Subject to this Bill, the Academic Board may make regulations for the purpose of exercising any function conferred on it either by the foregoing provisions of this clause or otherwise or for the purpose of making provisions for any matter for which provision by regulations is authorised or required by this Bill.
- (5) Regulations shall provide that at least one of the persons appointed as the examiners at each final or professional examination held in conjunction with any course of study at the College, as may be prescribed by the Academic Board from time to time, is not a teacher at the College but is a teacher of the branch of learning to which the course relates at some other Colleges of high repute or a person engaged in practising the profession in a reputable organisation or institution.

- (6) Subject to a right of appeal to the Council from a decision of the Academic Board under this subclause, the Council may deprive any person of any degree, diploma or other award of the College which has been conferred upon him if after due enquiry he is shown to have been guilty of dishonourable or scandalous conduct in gaining admission into the College or obtaining that award (*Hon. Amintu Suleiman — Fagge Federal Constituency*).

Question that Clause 8 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 9: Functions of the Provost.

- (1) The Provost shall, in relation to the College, take precedence before all other members of the College, and any other person for the time being acting as chairman of the Council.
- (2) Subject to clauses 8, 9, and 15 of this Bill, the Provost shall have the general function, in addition to any other functions conferred on him by this Bill or otherwise, of directing the activities of the College and shall be the chief executive and academic officer of the College and chairman of the Academic Board.
- (3) The power to make regulations conferred by this clause shall not be prejudiced or limited in any way by reason of the inclusion or omission of any matter in or from the Bill or any subsequent enactment (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 9 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 10: Mode of Exercising Power to make Regulations.

- (1) The power of the College to make regulations shall be exercised in accordance with the provisions of this clause and not otherwise.
- (2) A proposed regulations shall not become effective and enforceable unless it has been approved —
- (a) at a meeting of the Academic Board, by the votes of not less than two thirds of the members present and voting; and
- (b) at a meeting of the Council, by the votes of not less than two thirds of the members present and voting.
- (3) A proposed regulation may originate either in the Academic Board, and may be approved as required by subclause (2) of this clause by either one of those bodies before the other.
- (4) A regulation which makes provision for or alters the composition or constitution of the Council, the Academic Board or any other authority of the College shall not come into operation unless it has been approved by the Council.

- (5) For the purposes of clause 1 (2) of the Interpretation Act, a regulation shall be treated as being made on the date on which it is duly approved by the Council after having been approved by the Academic Board, as the case may be or, in the case of a regulation falling within sub-clause (4) of this clause, on the date on which it is approved by the President.
- (6) In the event of any doubt or dispute arising at any time —
- (a) as to the meaning of any provision of a regulation; or
- (b) as to whether any matter is for the purpose of this Bill an academic matter as they relate to such doubt or dispute, the matter may be referred to the Visitor, who shall take such advice and make such decision therein as he shall think fit.
- (7) The decision of the Visitor on any matter referred to him under subclause (6) of this clause shall be final and binding upon the authorities, staff and students of the College and where any question as to the meaning of any provision of a regulation has been decided by the Visitor under that sub clause, the question as to the meaning of that provision shall not be entertained by any court of law in Nigeria.
- (8) Nothing in subclause (7) of this clause shall affect any power of a court of competent jurisdiction to determine whether any provision of a regulation is wholly or partially void as being ultra vires or as being inconsistent with the Constitution of the Federal Republic of Nigeria 1999.
- (9) **Proof of regulations:**
A regulation may be proved in any court by the production of a copy thereto bearing affixed to it a certificate purporting to be signed by the Provost or the secretary to the Council to the effect that the copy is a true copy of a regulation of the College (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 10 stands part of the Bill — Agreed to.

Supervision and discipline

Committee's Recommendation:

Clause 11: The Visitor.

- (1) The Governor shall be the Visitor of the College.
- (2) The Visitor shall as often as the circumstances may require, not being less than once every five years, conduct a visitation of the College or direct that such a visitation be conducted by such person or persons as the Visitor may deem fit and in respect of any of the affairs of the College.
- (3) It shall be duty of the bodies and persons comprising the College to make available to the Visitor and to any other person conducting a visitation in pursuance of this clause, such facilities and assistance as he or they may reasonably require for the purposes of a visitation (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 11 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 12: Removal of certain members of Council.**

- (1) If it appears to the Council that a member of the Council (other than the Visitor or the Provost) should be removed from office on the ground of misconduct or inability to perform the functions of his office or employment, the Council shall make a recommendation to that effect through the Minister to the President after making such enquiry, if any, as may be considered appropriate, and if the President approves the recommendation he may direct the removal of the person in question from office.
- (2) It shall be the duty of the Minister to use his best endeavour to cause a copy of the instrument embodying a direction under subclause (1) of this clause to be served as soon as reasonably practicable on the person to whom it relates (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 12 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 13: Removal and discipline of academic, administrative and professional staff.**

- (1) If it appears to the Council that there are reasons for believing that any person employed as a member of the academic, administrative or professional staff of the College, other than Provost, should be removed from his office or employment on the ground of misconduct or of inability to perform the functions of his office or employment, the Council shall —
 - (a) give notice of those reasons to the person in question;
 - (b) afford him an opportunity of making representations in person on the matter;
 - (c) appoint a Staff Disciplinary Committee, and if the Council, after considering the report of the Staff Disciplinary Committee, is satisfied that the person in question should be removed as aforesaid, the Council may so remove him by an instrument in writing signed on the directions of the Council.
- (2) The Provost may, in case of misconduct by a member of staff which in the opinion of the Provost is prejudicial to the interests of the College, suspend such member and any such suspension shall forthwith be reported to the Council.
- (3) For good cause, any member of staff may be suspended from his duties or his appointment may be terminated by the Council; and for the purposes of this subclause "Good cause" means —
 - (a) conviction for any offence which the Council considers to be such as to render the person concerned unfit for the discharge of the functions of his office; or
 - (b) any physical or mental incapacity which the Council, after obtaining medical advice, considers to be such as to render the person concerned unfit to continue to hold his office; or
 - (c) conduct of a scandalous or other disgraceful nature which the Council considers to be such as to render the person concerned unfit to continue to hold his office; or

- (d) conduct which the Council considers to be such as to constitute failure or inability of the person concerned to discharge the functions of his office or to comply with terms and conditions of his service; or
 - (e) conduct which the Council considers to be generally of such nature as to render the continued appointment or service of the person concerned prejudicial or detrimental to the interest of the College.
- (4) Any person suspended pursuant to subclause (2) or (3) of this clause shall be on half pay and the Council shall before the expiration of a period of three months after the date of such suspension consider the case against that person and come to a decision as to —
- (a) whether to continue such person's suspension and if so on what terms (including the proportion of his emoluments to be paid to him); or
 - (b) whether to re-instate such person in which case the Council shall restore his full emoluments with effect from the date of suspension; or
 - (c) whether to terminate the appointment of the person concerned in which case such person shall not be entitled to the proportion of his emoluments withheld during the period of suspension; or
 - (e) whether to take such lesser disciplinary action against such person (including the restoration of such proportion of his emoluments as might have been withheld) as the Council may determine.
- (5) In any case where the Council, pursuant to this clause, decides to continue a person's suspension or decides to take further disciplinary action against a person, the Council shall before the expiration of a period of three months from such decision come to a final determination in respect of the case concerning any such person.
- (6) It shall be the duty of the person by whom an instrument of removal is signed in pursuance of sub (1) of this clause to use his best endeavour to cause a copy of the instrument to be served as soon as reasonably practicable on the person to whom it relates.
- (7) Nothing in the foregoing provisions of this clause shall —
- (a) apply to any directive given by the Visitor in consequence of any visitation; or
 - (b) prevent the Council from making regulations for the discipline of other categories of workers of the College as may be prescribed (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 13 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 14: Procedures for staff discipline.**

- (1) The Provost or Academic Board shall constitute an Investigation Panel to determine whether or not a prima facie case has been established against any member of staff.
- (2) The Investigation Panel shall include the President or the chairman of the union to which the staff being investigated belongs.
- (3) The Provost shall constitute a Staff Disciplinary Committee which shall consist of such members of the Academic Board as he may determine, to consider the report of the Investigating Panel.
- (4) The report and recommendation of the Staff Disciplinary Committee shall be forwarded to the Council for consideration and decision (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 14 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 15: Appointment of external examiners.**

External examiners shall be appointed by the Academic Board (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 15 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 16: Removal of examiners.**

- (1) If on the recommendation of the Academic Board, it appears to the Provost that a person appointed as an examiner for any examination of the College ought to be removed from his office or appointment, then except in such cases as may be prescribed, the Provost may, after affording the examiner an opportunity of making representations in person on the matter to the Provost, remove the examiner from the office or appointment by an instrument in writing signed by the Provost.
- (2) Subject to the provisions of regulations made in pursuance of clause 9 (5) of this Bill, the Provost may, on the recommendation of the Academic Board, appoint an appropriate person as examiner in place of the examiner removed in pursuance of subclause (1) of this clause.
- (3) It shall be duty of the Provost to sign an instrument of removal in pursuance of this clause, to use his best endeavour to cause a copy of this instrument to be served as soon as is reasonably practicable on the person to whom it relates (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 16 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 17: Discipline of students.**

- (1) Subject to the provisions of this clause, where it appears to the Provost that any student of the College has been guilty of misconduct, the Provost may, in consultation with the Academic Board and, without prejudice to any other disciplinary power conferred on him by regulation or regulations, direct that

- (a) the student shall not, during such period as may be specified in the direction, participate in such activities of the College, or make use of such facilities of the College, as may be so specified; or
 - (b) the activities of the student shall, during such period as may be specified in the direction, be restricted in such manner as may be so specified; or
 - (c) the student be rusticated for such period as may be specified in the direction; or
 - (d) the student be expelled from the College.
- (2) Where a direction is given under subclause (1) (c) or (d) of this clause in respect of any student, that student may, within the prescribed period and in the prescribed manner, appeal to the Council; and where such an appeal is brought, the Council shall after causing such inquiry to be made in the matter as the Council considers just, confirm or set aside the direction or modify it in such manner as the Council thinks fit.
 - (3) The fact that an appeal from a direction is brought in pursuance of subclause (2) of this clause shall not affect the operation of the direction while the appeal is pending.
 - (4) The Provost may delegate his powers under this clause to a Disciplinary Committee consisting of such members of the College as he may nominate.
 - (5) Nothing in this clause shall be construed as preventing the restriction or termination of a student's activities at the College otherwise than on the ground of misconduct.
 - (6) Without prejudice to the provision of subclause (1) of this clause, nothing shall prevent the Provost from taking an immediate disciplinary action against a student where he deems fit, and report thereafter to the Academic Board.
 - (7) It is hereby declared that a direction under subclause (1) (a) of this clause may be combined with a direction under subclause (1) (b) of this clause.
 - (9) No staff or student shall resort to a law court without proof of having exhausted the integral avenues for settling disputes or grievances or for seeking redress.
 - (10) The Visitor shall be the final arbiter on staff and student discipline, and his decision shall not be contestable in any court of law in Nigeria.
 - (11) Nothing in this subclause shall affect any power of a court of competent jurisdiction to enforce the fundamental right of any aggrieved citizen as enshrined in the Constitution of the Federal Republic of Nigeria, 1999 (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 17 stands part of the Bill — Agreed to.

*Miscellaneous and general**Committee's Recommendation:*

Clause 18: **Exclusion of discrimination on account of race, religion, etc.**

- (1) No person shall be required to satisfy the requirements as to any of the following matters, that is to say, race (including ethnic grounding), sex, place of birth or family origin, or religious or political persuasion, as a condition of becoming or continuing to be a student at the College, the holder of any degree of the College or of any appointment or employment at the College or a member of anybody established by virtue of this Bill; and no person shall be subjected to any disadvantage or accorded any advantage in relation to the College, by reference to any of those matters.
- (2) Nothing in subclause (1) of this clause shall be construed as preventing the College from imposing any disability or restriction on any of the aforementioned persons where such person wilfully refuses or fails on grounds of religious belief to undertake any duty generally and uniformly imposed on all such persons or any group of them which duty, having regard to its nature and the special circumstance pertaining thereto, is in the opinion of the College reasonably justifiable in the national interest (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 18 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 19: **Restriction on disposal of land by College.**

Without prejudice to the provisions of the Land Use Act, the College shall not dispose of or charge any land or an interest in any land (including any land transferred to the College by this Bill) except either with the prior written consent either general or special, of the President:

Provided that such consent shall not be required in the case of any lease or tenancy at a rack-rent for a term not exceeding 21 years or lease or tenancy to a member of the College for residential purposes (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 19 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 20: **Quorum and procedure of bodies established by this Bill.**

Except as may be otherwise provided by regulation or by regulations, the quorum and procedure of any body of persons established by this Bill shall be as determined by that body (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 20 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 21: **Appointment of committees, etc.**

- (1) Anybody of persons established by this Bill shall, without prejudice to the generality of the powers of that body, have power to appoint committees, which need not consist exclusively of members of that body and to authorise a committee established by it —

(a) to exercise, on its behalf, such of its functions as it may determine;

- (b) to co-opt members, and may direct whether or not co-opted members (if any) shall be entitled to vote in that committee.
- (2) Any two or more such bodies may arrange for the holding of joint meetings of those bodies or for the appointment of committees consisting of members of those bodies or any of them and either of dealing with it or of reporting on it to those bodies or any of them.
- (3) Except as may be otherwise provided by regulation or by regulations, the quorum and procedure of a committee established or meeting held in pursuance of this clause shall be such as may be determined by the body or bodies which have decided to establish the committee or hold the meeting.
- (4) Nothing in the foregoing provisions of this clause shall be construed as —
- (a) enabling regulations to be made otherwise than in accordance with clause 13 of this Bill; or
- (b) enabling the Academic Board to empower any other body to make regulations or to award degrees or other qualifications.
- (5) The Provost shall be members of every committee of which the members are wholly or partly appointed by the Council (other than a committee appointed to inquire into the conduct of any officer in question); and the Provost shall be a member of the Council and the Provost shall be a member of every committee of which the members are wholly or partly appointed by the Academic Board (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 21 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 22: Retiring age of academic staff of the College.

- (1) Notwithstanding anything to the contrary in the Pensions Act, the compulsory retiring age of an academic staff of a College shall be 65 years.
- (2) A law or rule requiring a person to retire from the public service after serving for 35 years shall not apply to an academic staff of the College (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 22 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 23: Special provisions relating to pension of professors.

A person who retires as a professor having served —

- (a) a minimum period of fifteen years as a professor in the College or continuously in the service of a College in Nigeria up to the retiring age; and
- (b) who during the period of service was absent from the College only on approved national or College assignments, shall be entitled to pension at a rate equivalent to his last annual salary and such allowances as the Council may, from time to time, determine as qualifying for pension and gratuity, in addition to any other retirement benefits to which he may be entitled (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 23 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 24: Miscellaneous administrative provisions.**

- (1) The seal of the College shall be such as approved by the Council and the affixing of the seal shall be authenticated by any member of the Council and by the Provost, secretary to the Council or any other person authorised under this Bill.
- (2) Any document purporting to be a document executed under the seal of the College shall be received in evidence and shall, unless the contrary is proved, be presumed to be so executed.
- (3) Any contract or instrument which if made or executed by a person not being a body corporate would not be required to be under seal, may be made or executed on behalf of the College by any person generally or specifically authorised to do so by the Council.
- (4) The validity of any proceedings of anybody established in pursuance of this Bill shall not be affected by any vacancy in the membership of the body, or by any defect in the appointment of a member of the body or by reason that any person not entitled to do so took part in the proceedings.
- (5) Any member of any such body who has a personal interest in any matter proposed to be considered by that body shall forthwith disclose his interest to the body and shall not vote on any question relating to that matter.
- (6) Nothing in clause 12 of the Interpretation Act (which provides for the application in relation to subordinate legislation of certain incidental provisions) shall apply to regulations or regulations made in pursuance of this Bill.
- (7) The power conferred by this Bill on anybody to make regulations or regulations shall include power to revoke or vary any regulation (including the regulation contained in the Second Schedule of this Bill) or any regulation by a subsequent regulation, or, as the case may be, by a subsequent regulation and regulation and regulations may make different provisions in reaction to different circumstances.
- (8) No stamp duty or other duty shall be payable in respect of any transfer of property to the College by virtue of any provision of this Bill.
- (9) Any notice or other instrument authorised to be served by virtue of this Bill may, without prejudice to any other mode of service, be served by post (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 24 stands part of the Bill — Agreed to.

Committee's Recommendation:**Clause 25: Interpretation.**

- (1) In this Bill, unless the context otherwise requires —

"Campus" means any campus which may be established by the College (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that the meaning of the word "Campus" be as defined in the interpretation to this Bill — Agreed to.

"College" means any college which may be established by the College (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "College" be as defined in the interpretation to this Bill — Agreed to.

"Council" means the Council established by this Bill for the College (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Council" be as defined in the interpretation to this Bill — Agreed to.

"Graduate" means a person on whom degree, (other than an honorary degree) been conferred by each College (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Graduate" be as defined in the interpretation to this Bill — Agreed to.

"Minister" means the Minister charged with responsibility for agriculture (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Minister" be as defined in the interpretation to this Bill — Agreed to.

"Notice" means notice in writing (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Notice" be as defined in the interpretation to this Bill — Agreed to.

"Office" does not include the Visitor (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Office" be as defined in the interpretation to this Bill — Agreed to.

"Prescribed" means prescribed by regulations or regulations (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Prescribed" be as defined in the interpretation to this Bill — Agreed to.

"Professor" means a person designated as a professor of the College in accordance with provisions made in that behalf by regulation or regulations (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Professor" be as defined in the interpretation to this Bill — Agreed to.

"Property" includes rights, liabilities and obligations (Hon. Aminu Suleiman — Fagge Federal Constituency).

Question that the meaning of the word "Property" be as defined in the interpretation to this Bill — Agreed to.

"Regulations" means regulations made by the Academic Board or the Council (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that the meaning of the word "Regulations" be as defined in the interpretation to this Bill — Agreed to.

"Academic Board" means the Academic Board of each College established pursuant to clause 3 (1) (c) of this Bill (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that the meaning of the words "Academic Board" be as defined in the interpretation to this Bill — Agreed to.

"Teacher" means a person holding a full-time appointment as a member of the teaching or research staff of each College (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that the meaning of the word "Teacher" be as defined in the interpretation to this Bill — Agreed to.

"Undergraduate" means a person in statu pupillari at the College other than

- (a) a graduate; and
- (b) a person of such description as may be prescribed for the purposes of this definition (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that the meaning of the word "Undergraduate" be as defined in the interpretation to this Bill — Agreed to.

"College" means any of the College of Agriculture established under clause 2 of this Bill (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that the meaning of the word "College" be as defined in the interpretation to this Bill — Agreed to.

- (2) It is hereby declared that where in any provisions of this Bill it is laid down that proposals are to be submitted or a recommendation is to be made by one authority to another through one or more intermediate authorities, it shall be the duty of every such intermediate authority to forward any proposals or recommendations received by it in pursuance of that provision to the appropriate authority, but any such intermediate authority may, if it thinks fit, forward therewith its own comments thereon (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 25 stands part of the Bill — Agreed to.

Committee's Recommendation:

Clause 26: Short Title.

This Bill may be cited as the Federal College of Agriculture, Malumfashi (Establishment) Bill, 2021 (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that Clause 26 stands part of the Bill — Agreed to.

SCHEDULE

PRINCIPAL OFFICERS OF THE COLLEGE

The Chairman Governing Board

1. (1) The Chairman shall be appointed by the President of Nigeria.
- (2) The Chairman shall hold office for a period of five years.
- (3) If it appears to the Visitor that the Chairman should be removed from his office on the ground of misconduct or of inability to perform the functions of his office, the Visitor may by notice in the Federal Gazette remove the Chairman from office.

The Provost

3. (1) There shall be a Provost of the College who shall be appointed by the President in accordance with the provisions of this paragraph.
- (2) Where a vacancy occurs in the post of a Provost, the Council shall —
 - (a) advertise the vacancy in a reputable journal or a widely read newspaper in Nigeria, specifying —
 - (i) the qualities of the persons who may apply for the post, and
 - (ii) the terms and conditions of service applicable to the post, and thereafter draw up a short list of suitable candidates for the post for consideration;
 - (b) constitute a search team consisting of —
 - (i) a member of the Council, who is not a member of the Academic Board, as chairman,
 - (ii) two members of the Academic Board who are not members of the Council, one of whom shall be a professor,
 - (iii) two members of Congregation who are not members of the Council, one of whom shall be a professor, to identify and nominate for consideration, suitable persons who are not likely to apply for the post on their own volition because they feel that it is not proper to do so.
- (3) A joint Council and Academic Board Selection Board consisting of —
 - (a) the Chairman, as chairman;
 - (b) two members of the Council, not being members of the Academic Board;
 - (c) two members of the Academic Board who are professors, but who were not members of the Search Team, shall consider the candidates and persons on the short list drawn up under subparagraph (2) of this paragraph through an examination of their curriculum vitae and interaction with them, and recommend to the Council suitable candidates for further consideration.

- (4) The Council shall select three candidates from among the candidates recommended to it under subparagraph (3) of this paragraph and may indicate its order of preference stating the reasons therefore and forward the names to the President.
- (5) The President may appoint as Provost anyone of the candidates recommended to him in accordance with the provisions of subparagraph (4) of this paragraph.
- (6) The Provost shall hold office for a single term of five years only on such terms and conditions as may be specified in his letter of appointment.
- (7) For the avoidance of doubt, the provisions of subparagraph(6) of this paragraph shall —
 - (a) only be applicable to those appointed to the office of Provost after 1 January, 1993;
 - (b) not confer on a person serving a first term of office as Provost before 1 January, 1993 any right to renewal of the appointment for a further term of four years.
- (8) The Provost may be removed from office by the Visitor after due consultation with the Council and the Academic Board acting through the Minister of Education.

Deputy Provost

4. (1) There shall be for the College Deputy Provost as the Council may, from time to time, deem necessary for the administration of the College.
- (2) Where a vacancy occurs in the post of Deputy Provost, the Provost shall forward to the Academic Board a list of two candidates for each post of Deputy Provost that is vacant.
- (3) The Academic Board shall select for each vacant post one candidate from each list forwarded to it under subparagraph (2) of this paragraph and forward his name to the Council for confirmation.
- (4) A Deputy Provost shall —
 - (a) assist the Provost in the performance of his functions;
 - (b) act in the place of the Provost when the post of the Provost is vacant or if the Provost is, for any reason, absent or unable to perform his functions as Provost; and
 - (c) perform such other functions as the Provost or the Council may, from time to time, assign to him.
- (5) A Deputy Provost —
 - (a) shall hold office for a period of two years beginning from the effective date of his appointment and on such terms and conditions as may be specified in his letter of appointment; and
 - (b) may be re-appointed for one further period of two years and no more.

Office of the Registrar

5. (1) There shall be for each College a Registrar, who shall be the chief administrative officer of the College and shall be responsible to the Provost for the day-to-day administrative work of the College except as regards matters for which the Bursar is responsible in accordance with paragraph 6 (2) of this Schedule.
- (2) The person holding the office of the Registrar shall by virtue of that office be secretary to the Council, the Academic Board, Congregation and Convocation.

Other principal officers of the College

6. (1) There shall be for the College the following principal officers, in addition to the Registrar, that is —
- (a) the Bursar; and
- (b) the College Librarian, who shall be appointed by the Council on the recommendation of the Selection Board constituted under paragraph 8 of this Schedule.
- (2) The Bursar shall be the chief financial officer of the College and be responsible to the Provost for the day-to-day administration and control of the financial affairs of the College.
- (3) The College Librarian shall be responsible to the Provost for the administration of the College library and the co-ordination of the library services in the College and its campuses, colleges, faculties, schools, departments, institutes and other teaching or research units.
- (4) Any question as to the scope of the responsibilities of the aforesaid officers shall be determined by the Provost.

Selection Board for other Principal Officers

7. (1) There shall be, for the College, a Selection Board for the appointment of principal officers, other than the Provost or Deputy Provost, which shall consist of —
- (a) the Chairman of the Governing Council;
- (b) four members of the Council not being members of the Academic Board; and
- (c) two members of the Academic Board.
- (2) The functions, procedure and other matters relating to the Selection Board constituted under sub-paragraph (1) of this paragraph shall be as the Council may, from time to time, determine.
- (3) The Registrar, Bursar and Librarian shall hold office for such period and on such terms as to the emoluments of their offices and otherwise as may be specified in their letters of appointment.

Resignation and re-appointment

8. (1) Any officer mentioned in the foregoing provisions of this Schedule may resign his office —
- (a) in the case of the Chairman Governing Council, by notice to the President; and
- (b) in any other case, by notice to the Council and the Council shall immediately notify the Minister in the case of the Provost.
- (2) Subject to paragraphs 4 and 5 of this Schedule, a person who has ceased to hold an office so mentioned otherwise than by removal for misconduct shall be eligible for re-appointment to that office.

The Council

9. (1) The composition of the Council shall be as provided in clause 7 of this Bill.
- (2) Any member of the Council holding office otherwise than in pursuance of clause 7 (a), (b), (c) or (d) of this Bill may, by notice to the Council, resign his office.
- (3) A member of the Council holding office otherwise than in pursuance of clause 7 (a), (b), (c) or (d) of this Bill shall, unless he previously vacates it, vacate that office on the expiration of the period of five years beginning with effect from 1 August in the year in which he was appointed.
- (4) Where a member of the Council holding office otherwise than in pursuance of clause 7 (a), (b), (c) or (d) of this Bill vacates before the expiration of the period aforesaid, the body or person by whom he was appointed may appoint a successor to hold office for the residue of the term of his predecessor.
- (5) A person ceasing to hold office as a member of the Council otherwise than by removal for misconduct shall be eligible for re-appointment for only one further period of five years.
- (6) The quorum of the Council shall be five, at least one of whom shall be a member appointed pursuant to clause 7 (d), (e), or (h) of this Bill.
- (7) If the Chairman is not present at a meeting of the Council, such other member of the Council present at the meeting as the Council may appoint as respects that meeting, shall be the chairman at that meeting, and subject to clauses 5 and 6 of this Bill and the foregoing provisions, the Council may regulate its own procedure.
- (8) Where the Council desires to obtain advice with respect to any particular matter, it may co-opt not more than two persons for that purpose and the persons co-opted may take part in the deliberations of the Council at any meeting but shall not be entitled to vote.

The Finance and General Purposes Committee

10. (1) The Finance and General Purposes Committee of the Council shall consist of—
- (a) the Chairman of the Governing Council, who shall be the chairman of the Committee at any meeting at which he is present;

- (b) the Provost and Deputy Provost;
 - (c) six other members of the Council appointed by the Council, two of whom shall be selected from among the three members of the Council appointed by the Academic Board and one member appointed to the Council by Congregation;
 - (d) the Permanent Secretary of the Federal Ministry of Agriculture and Rural Development or, in his absence, such member of his Ministry as he may designate to represent him.
- (2) The quorum of the Committee shall be five.
 - (3) Subject to any directions given by the Council, the Committee may regulate its own procedure.

The Academic Board

11. (1) The Academic Board shall consist of --
- (a) the Provost and Deputy Provost;
 - (b) the Heads of academic departments;
 - (c) the Librarian;
 - (d) one member of not less than the rank of senior lecturer of each college;
 - (e) four persons representing the Congregation.
- (2) The Provost shall be the chairman at all meetings of the Academic Board when he is present; and in his absence any of the Deputy Provosts present at the meeting as the Academic Board may appoint for that meeting shall be chairman at the meeting.
 - (3) The quorum of the Academic Board shall be one quarter (or the nearest whole number less than one quarter) and subject to paragraph 2 of this article, the Academic Board may regulate its own procedure.
 - (4) An elected member may, by notice to the Academic Board, resign his office.
 - (5) Subject to paragraph (7) of this article, there shall be elections for the selection of elected members which shall be in the prescribed manner on such day in the month of May or June in each year as the Provost may, from time to time, determine.
 - (6) An elected member shall hold office for the period of two years beginning with 1 August in the year of his election, and may be a candidate at any election held in pursuance of paragraph (5) of this article in the year in which his period of office expires, so however that no person shall be such a candidate if at the end of his current period of office he will hold office as an elected member for a continuous period of six years or would have so held office if he had not resigned it.
 - (7) No election held in pursuance of this article in any year if the number specified in the certificate given in pursuance of paragraph (10) of this article does not exceed by more than one the figure which is thrice the number of those elected members holding office on the date of the certificate who do not vacate office during that year in pursuance of paragraph (6) of this article.

- (8) For the avoidance of doubt it is hereby declared that no person shall be precluded from continuing in or taking office as an elected member by reason only of a reduction in the total of non-elected members occurring on or after 30 April in any year in which he is to continue in or take office as an elected member.
- (9) If so requested in writing by any fifteen members of the Academic Board, the Provost, or in his absence, any of the Deputy Provosts duly appointed by him, shall convene a meeting of the Academic Board to be held not later than the tenth day following that on which the request was received.
- (10) In this article "total of non-elected members" means as respects any year, such number as may be certified by the Provost on 30 April of that year to be the number of persons holding office as members of the Academic Board on that day otherwise than as elected members.

Congregation

12. (1) Congregation shall consist of —
 - (a) the Provost and the Deputy Provost;
 - (b) the full-time members of the academic staff;
 - (c) the Registrar;
 - (d) the Bursar;
 - (e) the Librarian;
 - (f) the Director of Works;
 - (g) the Director of Physical Planning;
 - (h) the Director of Academic Planning;
 - (i) the Director of Health Services; and
 - (j) every member of the administrative staff who holds a degree other than an honorary degree of any College recognised for the purposes of this regulation by the Provost.
- (2) Subject to clauses 5 and 6 of the Bill, the Provost shall be the chairman at all meetings of Congregation when he is present; and in his absence any of the Deputy Provosts present at the meeting as Congregation may appoint for that meeting, shall be the chairman at the meeting.
- (3) The quorum of Congregation shall be one third (or the whole number nearest to one third) of the total numbers of Congregation or fifty, whichever is less.
- (4) A certificate signed by the Provost specifying —
 - (a) the total number of members of Congregation for the purposes of any particular meeting or meetings of Congregation; or

- (b) the names of the persons who are members of Congregation during a particular period, shall be conclusive evidence of that number or as the case may be, of the names of those persons.
- (5) Subject to the foregoing provision of this article, Congregation may regulate its own procedure.
- (6) Congregation shall be entitled to express by resolution or otherwise its opinion on all matters affecting the interest and welfare of the College and shall have such other functions in addition to the function of electing a member of the Council, as may be provided by regulation or regulations.

Convocation

13. (1) Convocation shall consist of —
- (a) the officers of the College mentioned in the First Schedule to the Bill;
- (b) all teachers within the meaning of the Bill;
- (c) all other persons whose names are registered in accordance with paragraph (2) of this article.
- (2) A person shall be entitled to have his name registered as a member of Convocation if —
- (a) he is either a graduate of the College or a person satisfying such requirements as may be prescribed for the purposes of this paragraph; and
- (b) he applies for the registration of his name in the prescribed manner and pays the prescribed fees.
- (3) Regulations shall provide for the establishment and maintenance of a register for the purposes of this paragraph and subject to paragraph (4) of this article may provide for the payment from time to time of further fees by persons whose names are on the register and for any person who fails to pay those fees.
- (4) The person responsible for maintaining the register shall, without the payment of any fees, ensure that the names of all persons who are for the time being members of Convocation by virtue of paragraph (1) (a) or (b) of this article are entered and retained on the register.
- (5) A person who reasonably claims that he is entitled to have his name on the register shall be entitled on demand to inspect the register or a copy of the register at the principal offices of the College at all reasonable times.
- (6) The register shall, unless the contrary is proved, be sufficient evidence that any persons named therein is, and that any person not named therein is not, a member of Convocation; but for the purpose of ascertaining whether a particular person was such a member on a particular date, any entries in and deletions from the register made on or after that date shall be disregarded.
- (7) The quorum of Convocation shall be fifty or one third (or the whole number nearest to one third) of the total number of members of Convocation, whichever is less.

- (8) Subject to clause 5 of this Bill, the Chancellor shall be the chairman at all meetings of Convocation when he is present, and in his absence the Provost shall be the chairman at the meeting.
- (9) Convocation shall have such other functions, in addition to the functions of appointing a member of the Council, as may be provided by regulation or regulations.

Appointments and Promotions Committee

14. (1) There shall be an Appointments and Promotions Committee of the Council which shall ultimately be responsible for all appointments, promotions and discipline of all categories of senior staff in the College, under the chairmanship of the Provost.
- (2) The Committee shall operate where necessary through the Academic Board or Selection Board or *ad-hoc* Committees and its recommendations shall be subject to the approval of the Council.

Head of Department

15. (1) The Head of a department shall be appointed by the Provost and such Head shall hold office for a period of three years and shall be eligible for re-appointment for another term of three years after which he may not be appointed again until two years have elapsed.
- (2) The Head of a department shall exercise general superintendence over the academic and administrative affairs of the department.

Creation of academic posts

16. Recommendations for the creation of posts other than those mentioned in article 10 of this regulation shall be made by Academic Board to the Council through the Finance and General Purposes Committee.

Appointment of Academic Staff

17. Subject to this Bill and regulations deriving therefrom, the filling of vacancies in academic posts (including newly created ones) shall be the responsibility of the Appointments and Promotions Committee, notwithstanding the fact that the Provost shall have the power to make temporary appointments to academic and non-academic positions for a period not exceeding twelve calendar months.

Funding of the College

18. (1) The Federal Ministry of Agriculture and Rural Development shall have responsibility for agricultural education in the College similar to the responsibility of the Federal Ministry of Education in general universities.
- (2) Notwithstanding the provisions of the National Universities Commissions Act, the College shall receive funds directly from the Federal Ministry of Agriculture and Rural Development and from other national and international agencies (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Question that the provisions of the Schedule stand part of the Bill — Agreed to.

Explanatory Memorandum:

This Bill seeks to provide for the establishment of Federal College of Agriculture Malumfashi and to offer to the general population, as a form of public service, the results of training and research in agriculture and allied disciplines and to foster the practical application of those results (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Agreed to.

Long Title:

A Bill for an Act to Establish Federal College of Agriculture, Malumfashi, Katsina State; and for Related Matter (HB. 424) (*Hon. Aminu Suleiman — Fagge Federal Constituency*).

Agreed to.

Chairman to report Bill.

(HOUSE IN PLENARY)

Mr Speaker in the Chair, reported that the House in Committee of the Whole considered the Report of the Committee on Tertiary Education and Services on a Bill for an Act to Establish Federal College of Agriculture, Malumfashi, Katsina State; and for Related Matters (HB. 424) and approved Clauses 1 - 26, the Schedule, the Explanatory Memorandum, and the Long Title of the Bill.

Question that the House do adopt the Report of the Committee of the Whole — Agreed to.

18. Order of the Day

Motion made and Question proposed, "That the House do set down items 13 to 17 on the Order Paper to another legislative day, pursuant to Order Eight, Rule 6 (3)" (Hon. Kuye Ademorin Aliu — Shomolu Federal Constituency).

Agreed to.

19. Adjournment

That the House do adjourn till Tuesday, 5 October, 2021 at 11:00 a.m. (Hon. Peter Akpatason — Deputy House Leader).

The House adjourned accordingly at 1.16 p.m.

Femi Hakeem Gbajabiamila
Speaker

